

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 306 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 299 OF 2019

Maruti Ramchandra Gurav

...Applicant.

Vs.

Shri. Mahalaxmi Nagari Sahakari
Patsanstha Ltd. & Anr.

....Respondents.

Mr. Satyavrat Joshi for the Applicant.

Mr. R.M. Pethe APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 7th AUGUST, 2019.

P.C.:-

This is an Application for suspension of sentence and releasing the Applicant on bail.

2 The Applicant is convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer simple imprisonment for one month and to pay a compensation of Rs.4,50,000/- to the Respondent-Credit Society, in default of payment of compensation, to further undergo simple imprisonment of one month, by the learned Judicial Magistrate, First Class, Gargoti in Cri. Case No. 194 of 2010 by its Judgment and Order dated 4th September,

2015.

The Criminal Appeal No. 176 of 2015 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge, Kolhapur by its Judgment and Order dated 23rd May, 2019.

3 Mr. Joshi, the learned counsel for the Applicant submitted that, after dismissal of the Appeal by the Appellate Court, the parties herein have entered into the settlement and in pursuance thereof, it was agreed that, the Applicant will pay a sum of Rs.3,15,500/- to the Respondent No.1 Credit Society. He submitted that, as a matter of fact, as the Applicant has already paid an amount of Rs.3,15,500/- to the Respondent No. 1 and the Respondent No.1 has issued a No Dues Certificate dated 30th July, 2019 in that behalf.

The learned counsel for the Applicant further submitted that, as a matter of fact, the Applicant has not surrendered till date as he is bed-ridden and unable to move. That, the said fact has been observed by the Appellate Court in the impugned Judgment and Order dated 23rd May, 2019.

4 In view thereof, I am inclined to suspend the sentence imposed upon the Applicant and release him on bail.

Hence the following order-

- a) During the pendency of the Revision Application, the substantive sentence imposed upon the Applicant is hereby suspended.
- b) During the pendency of the Revision Application, the Applicant be released on bail on his furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount.
- c) The procedure for bail be completed before the Trial Court i.e. the Judicial Magistrate, First Class, Gargoti.
- d) The Application is allowed in the aforesaid terms.

All the concerned to act on the basis of an authenticated copy of this Order.

(A.S. GADKARI, J.)