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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 316 OF 2019
IN
REVISION APPLICATION NO. 312 OF 2019**

Shri Alli Nursaheb Maula @ Maula Ali
Nursahab Bepari
Vs
Sony Tiles & Anr.

..Applicant

..Respondents

Mr. S.C. Mangle for the Applicant.
Mr. R.M. Pethe, APP for the State.

CORAM : A.S. GADKARI, J.
DATE : 25th June 2019.

P.C.:

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The applicant is convicted under Section 138 of the Negotiable Instruments Act and was sentenced to suffer rigorous imprisonment for two months and to pay a fine of Rs.73,000/- by the learned Judicial Magistrate First Class, Court No.3, Ratnagiri in S.C.C. No. 64 of 2014 by its Judgment

and Order dated 29.6.2015.

Criminal Appeal bearing No. 54 of 2014 preferred by the applicant has been partly allowed by the learned Additional Sessions Judge, Ratnagiri by its Judgment and Order dated 7th May 2019. The Appellate Court while upholding the conviction of the applicant has reduced the sentence from two months rigorous imprisonment to one month simple imprisonment.

4] The learned counsel for the applicant on instructions submitted that, the applicant has deposited Rs.15,000/- out of total fine of Rs.73,000/- in the Registry of the Trial Court and he will deposit balance fine amount of Rs.58,000/- in the Trial Court before his actual release from jail. The said statement is accepted.

5] As the maximum sentence imposed upon the applicant is a short term sentence, I am inclined to suspend the substantive sentence imposed upon the applicant and release him on bail.

Hence the following Order:

(i) During the pendency of the present Revision, the substantive sentence imposed upon the applicant is suspended.

(ii) During the pendency of the Revision, the applicant be released

on bail on his furnishing PR bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.

(iii) The procedure for the bail be completed before the Trial Court.

(iv) Before his actual release from jail, the applicant shall deposit balance fine amount of Rs.58,000/- in the Registry of the Trial Court. The deposit of balance of fine amount is condition precedent for actual release of the applicant from jail.

6] Application is allowed in the aforesaid terms.

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

(A.S.GADKARI, J.)