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

**CRIMINAL APPLICATION NO. 323 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 321 OF 2019**

Umesh Vasantrao Gaikwad	...	Applicant
V/s.		
Mahadev Shankar Shelar and anr	...	Respondents

Mr. Anand Patil, for Applicant.
Mr. R. M. Pethe, APP for Respondent State.

CORAM : A.S. GADKARI, J.

DATE : 31st July 2019.

P.C. :

- 1] This is an application for suspension of sentence and for releasing the applicant on bail.
- 2] Heard learned counsel for the applicant. Perused the record.
- 3] The applicant has been convicted under section 138 of the Negotiable Instruments Act, 1881, and sentenced to suffer Simple Imprisonment for six months and pay compensation of Rs.5,00,000/-, by the learned 6th Judicial Magistrate First Class, Kolhapur, District-

Kolhapur in S.C.C. No.3831/2012 by its Judgment and Order dated 5th July, 2016.

Criminal Appeal bearing No.114 of 2016 preferred by the applicant has been dismissed by the learned Additional Session Judge, Kolhapur by its Order dated 06/05/2019.

4] Learned advocate for the applicant submitted that, out of the compensation till date, the applicant has deposited a sum of Rs.50,000/- out of total amount of compensation in the Registry of the Appellate Court. He submitted that till date conviction warrant has not been issued by the trial Court. He further, on instructions, submitted that, out of the balance amount of compensation amount of Rs.4,50,000/-, the applicant will deposit additional amount of Rs.2,00,000/-in the Registry of the Appellate Court, within a period of two weeks from today. The said statement is accepted.

5] As the maximum sentence imposed upon the applicant is six months of simple imprisonment and the possibility of the present Revision being heard on its own merits in near future is remote, 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 i.e. 6th Judicial Magistrate First Class, Kolhapur , District- Kolhapur.
 - (iv) It is made clear that if the applicant fails to deposit the aforestated amount of Rs.2,00,000/- in the Registry of the Appellate Court, within a period of two weeks from today, the order suspending substantive sentence and releasing the applicant on bail shall stand vacated forthwith without further reference to this Court.
- 6] Application is allowed on the aforesaid terms.
- 7] All concerned to act on the authenticated copy of this order.

[A.S. GADKARI, J.]