

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

**CRIMINAL APPLICATION NO. 339 OF 2019
IN
CRIMINAL REVISION APPPLIATION NO. 331 OF 2019**

Prakash Shivaji Chavan	...	Applicant
V/s.		
Uttamrao Daiva Jadhav & Anr.	...	Respondents

Mr.Sachin Hande for Applicant.
Mr.R.M. Pethe, APP for Respondent No.2-State.

CORAM : A.S. GADKARI, J.

DATE : 9th July 2019.

P.C. :

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

2] The applicant is convicted under Section 138 of the Negotiable Instruments Act, 1881 and is sentenced to suffer rigorous imprisonment for three months and to pay a compensation of Rs.3,42,000/- by the learned 2nd Judicial Magistrate First Class, Sangli, in Summary Criminal Case (S.C.C.) No. 1120 of 2011 by its Judgment

and Order dated 9th May 2013. The Criminal Appeal No. 135 of 2013 preferred by the applicant has been turned down by the learned Additional Sessions Judge, Sangli, by its Judgment and Order dated 25th June 2019.

3] The learned counsel for the applicant submitted that, out of the total compensation of Rs.3,42,000/-, the applicant, as on today, has deposited Rs.25,000/- in the trial Court and an amount of Rs.3,17,000/- is balance to be deposited towards compensation.

4] As the maximum sentence imposed upon the applicant is three months of rigorous imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the applicant and to release him on bail, subject to applicant depositing the balance amount of Rs.3,17,000/- before the trial Court within a period of three weeks from today.

5] Hence, following order :

During the pendency of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended and the applicant is released on bail on following terms and conditions.

- (a) 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.*
- (b) The procedure for bail be complied with before the trial Court.*
- (c) It is made clear that the deposit of balance amount of Rs.3,17,000/- in the Registry of the trial Court is condition precedent for suspension of sentence and releasing the applicant on bail.*
- (d) If the applicant fails to deposit the said amount within the stipulated period, the present Order of suspension of sentence and granting him bail shall stand vacated without further reference to this Court.*

6] Application is allowed in the aforesaid terms.

7] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]