

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 385 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 375 OF 2019

Dhairyasheel @ Dadajirao Shankarrao Patil] ... Applicant
Versus
Mohanrao Shinde Oos Todani
Vahatuk Sanstha Ltd. & Anr.] ... Respondents

Mr. Nagesh Y. Chavan for applicant.
Mrs.M.H. Mhatre, APP for respondent No.2-State.

CORAM : N.J. JAMADAR, J.
DATE : 20th DECEMBER, 2019.

P. C. :-

1. Heard the learned counsel for the applicant and the learned APP for State.

2. This is an application for suspension of sentence passed by the learned Judicial Magistrate, First Class, Miraj by judgment and order dated 5th February 2008, and release the applicant on bail. The applicant was convicted for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer simple imprisonment for three months and pay fine of Rs.1,78,000/-.

3. In an appeal thereagainst, being Criminal Appeal No.76 of 2008, the learned Additional Sessions Judge, Sangli, while maintaining the

Shraddha Talekar, PS

conviction, was persuaded to modify the sentence by reducing it to simple imprisonment for one month and increasing the fine to Rs.4,75,000/-, with default stipulation.

4. The applicant is, thus, in revision.

5. The learned counsel for the applicant submits that the applicant was on bail during the pendency of the trial and appeal. The applicant is ready and willing to deposit an amount of Rs.1,50,000/-, which was allegedly advanced by the respondent No.1-complainant.

6. As the learned Sessions Judge has substantially increased the amount of fine, the submission on behalf of the applicant that the applicant is ready to deposit an amount of Rs.1,50,000/-, the debt in question, seems justifiable. The applicant was on bail during the pendency of trial and appeal. Thus, the applicant deserves to be released on bail till disposal of the revision application. Hence, the following order :

ORDER

(i) The application stands allowed.

(ii) The sentence imposed by the learned
Additional Sessions Judge, Sangli in Criminal Appeal

No. 76 of 2008, by judgment and order dated 24th June 2019, stands suspended till the disposal of the revision application.

(iii) The applicant be released on bail on furnishing a P.R. bond in the sum of Rs.15,000/- and a surety in the like amount to the satisfaction of the learned Magistrate, Miraj.

(iv) The applicant shall deposit a sum of Rs.1,50,000/- towards fine in the Court of the learned Magistrate, Miraj within a period of five weeks from today. In the event of default in depositing the aforesaid amount within the said period, this order shall stand vacated automatically.

(v) The application stands disposed of accordingly.

(vi) All concerned to act on an authenticated copy of this order.

(N.J. JAMADAR, J.)