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

**CRIMINAL APPLICATION NO. 414 OF 2019
IN
REVISION APPLICATION NO. 395 OF 2019**

Shankar Dagadu Khot

..Applicant

Vs

Bhairavnath Shankar Phadtare & Anr

..Respondents

Mr.V.R. Gaikwad for the Applicant.

Mr. R.M. Pethe, APP for the State/Respondent No.2.

CORAM : A.S.GADKARI, J.

DATE : 21st August 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 and was sentenced to suffer simple imprisonment for one year and to pay compensation of Rs.1.00 lakh (Rupees One Lakh Only), in default of payment of compensation to further undergo simple imprisonment for three months by the learned 5th Judicial Magistrate First Class, Satara in S.C.C. No.2314 of 2012 by its Judgment and Order dated 12.3.2015..

Criminal Appeal bearing No. 28 of 2015 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Satara, by its Judgment and Order dated 11th July 2019.

3] Learned counsel for the applicant submitted that, out of the total compensation amount of Rs.1.00 lakhs, the applicant as of today has deposited Rs.30,000/- in the Registry of the Appellate Court.

4] As the maximum sentence imposed upon the applicant is one year of simple imprisonment, I am inclined to suspend the sentence imposed upon the applicant and to release him on bail, subject to condition that, applicant shall deposit an additional amount of Rs.30,000/- in the Registry of the Appellate Court within a period of two weeks from today.

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. 5th Judicial Magistrate First Class, Satara.

(iv) Before his actual release from jail, the applicant shall deposit Rs.30,000/- in the Appellate Court within the stipulated period. The payment of additional sum of Rs.30,000/- is condition precedent for the actual release of applicant from jail.

If applicant fails to deposit the said additional amount of Rs.30,000/- within stipulated period, Order suspending sentence and releasing applicant on bail shall stand revoked without further reference to this Court.

5] Application is allowed in the aforesaid terms.

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

(A.S.GADKARI, J.)