

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

**CRIMINAL APPLICATION NO.444 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.153 OF 2019**

Sou.Suman Ashok Shipekar ..Applicant

V/s.

Shri.Sanjay Narayan Rashme and Anr. .. Respondents

Mr.Umesh H. Pawar i/by Mr.Prashant Bhavake for the
Applicant.

Mr.R.M. Pethe, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 18th SEPTEMBER 2019

P.C.

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

2. The applicant has been convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer two months of simple imprisonment and to pay compensation of Rs.1,30,000/- to the complainant, in default of payment of compensation to further undergo simple imprisonment for three months by the learned Judicial Magistrate First Class, Kagal, by its Judgment and Order dated 21st February 2013 passed in SCC No. 825 of

2011.

The Criminal Appeal No. 170 of 2013 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Kolhapur, by its Judgment and Order dated 14th November 2018.

3. The learned counsel for the applicant submitted that, the applicant has already deposited a sum of Rs.54,000/- out of the total amount of compensation in the Registry of the Trial Court. He further submitted that, the Trial Court has now issued conviction warrant against the applicant.

4. As the maximum sentence imposed upon the applicant is two months of simple 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 her on bail subject to condition that, the applicant shall deposit an additional sum of Rs.50,000/- in the Registry of the Trial Court within three weeks from today without seeking further extension of time.

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 her 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 if the applicant fails to deposit said additional amount in the Registry of the Trial Court within stipulated period, the present order of suspension of sentence and grant of bail shall stand revoked 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.)