

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

**CRIMINAL APPLICATION NO. 451 OF 2019
WITH
CRIMINAL APPLICATION NO. 450 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 309 OF 2019**

Rajesh Patangrao Thorat ... **Applicant**
V/s.
The State of Maharashtra & Anr. ... **Respondents**

Ms.Khushbu Marwadi a/w. Mr.Prasad Dube Patil i/b. Ms.Shraddha Dube Patil for Applicant.
Mr.R.M. Pethe, APP for Respondent No.1-State.

CORAM : A.S. GADKARI, J.

DATE : 11th September 2019.

P.C. :

1] These are applications for suspension of sentence and releasing the applicant on bail.

2] The applicant is convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer simple imprisonment for six months and to pay fine of Rs.3,75,000/- and in default of payment of fine to further suffer simple imprisonment of two

months by the learned Judicial Magistrate, First Class, Court No.09, Kolhapur, in Summary Criminal Case (S.C.C.) No. 1336 of 2013 by its Judgment and Order dated 30th July 2015.

The Criminal Appeal No. 124 of 2015 preferred by the applicant has been partly allowed and disposed of by the Additional Sessions Judge, Kolhapur, by its Judgment and Order dated 30th March 2019. The Appellate court has modified the sentence imposed upon the applicant and has reduced it to three months from six months. However, amount of compensation has been maintained.

3] The learned counsel for the applicant submitted that, during the pendency of the appeal, the applicant has deposited an amount of Rs.90,000/- in the Registry of the Appellate court, out of total amount of fine awarded by the Trial Court.

4] As the maximum sentence imposed upon the applicant is three 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 sentence imposed upon the applicant and to release him on bail.

The applicant is directed to deposit an additional sum of

Rs.1,00,000/- in the Registry of the Appellate court within a period of two weeks from today.

5] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the *pendency* of the Revision Application, 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,if the applicant fails to deposit said sum of Rs.1,00,000/- in the Registry of the Appellate Court within a period of two weeks from today, the present Order suspending sentence and releasing the applicant on bail shall stand vacated without further reference to this Court.

6] Applications are 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.]