

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

CRIMINAL APPLICATION NO.12 OF 2019
with
CRIMINAL APPLICATION NO.13 OF 2019
IN
CRIMINAL REVISION APPLICATION st. NO.12 OF 2019**

Abdul Rahim Haji Nasir Shekh ... Applicant

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.Kalpesh U. Patil for the Applicant

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 8, 2019

P.C.:

- 1.** Upon urgent mentioning, taken on Production Board.
- 2.** Criminal Application No.13 of 2019 is filed for suspension of impugned judgment and conviction dated 11.6.2013 passed by the learned JMFC, Karad in Summary Criminal Case NO.1474 of 2009 which was confirmed in Appeal No.34 of 2013 by the learned Additional Sessions Judge, Karad, whereby the accused is convicted us/ 138 of the Negotiable Instruments Act and sentenced

to suffer S.I. for one month and payment of fine of Rs.1,10,000/- out of which compensation of Rs.1,05,000/- is to be paid to the complainant.

3. In the present revision, there is a delay of 68 days and the same is prayed to be condoned vide Criminal Application No.12 of 2019. Hence, issue notice to the respondents, especially to respondent No.2 in Criminal Application No.12 of 2019, returnable on **5.3.2019**.

4. The learned Counsel for the applicant submits that the applicant has a good case on merits and he was on bail throughout the trial and appeal period. He prays for bail.

5. Learned Prosecutor submits to the orders of the Court.

6. In view of the above, the application No.13 of 2019 is allowed on the following terms:

- i) The applicant shall deposit an amount of Rs.55,000/- in this Court on or before 15.1.2019, which is allowed to be withdrawn by the complainant. Subject to this condition, the impugned judgment and conviction dated 11.6.2013 passed

by the learned JMFC, Karad in Summary Criminal Case No.1474 of 2009 is suspended, pending revision.

ii) The applicant/accused shall be released on bail upon furnishing a P.R. bond in the sum of Rs.10,000/- with a surety in the like amount;

iii) The applicant shall make himself available on all the Court dates;

iv) It is made clear that if the amount as directed above, is not deposited within the stipulated time, then the bail granted will be cancelled forthwith.

7. Criminal application No.13 of 2019 stands disposed of accordingly.

8. List the Criminal application NO.12 of 2019 alongwith the revision application on **5.3.2019**.

(MRIDULA BHATKAR, J.)