

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

**CRIMINAL APPLICATION No. 55 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 43 OF 2019**

Mangesh Madhukar Mahadik ...Applicant

Versus

Jyoti Namdeo Mali & Anr. ...Respondents

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Mr.Sumant Deshpande I/b. Mr.Vipin Bidkar for the Applicant.
Mrs. M.M.Deshmukh, APP for Respondent No.2-State.

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**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: 05 FEBRUARY, 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. This Criminal Application is moved by the applicant/accused for suspension of the impugned judgment and conviction and also for bail pending the Criminal Revision Application. The applicant/accused was convicted by order dated 6th May, 2014 passed by the learned Judicial Magistrate First Class, Pune in STC No. 5749 of 2011 for the offence punishable under section 138 of the Negotiable Instruments Act and is sentenced to suffer S.I. for 6

months and to pay fine of Rs.3,00,000/-. Out of the said amount, an amount of Rs. 2,95,000/- is to be given to the complainant. The said order was challenged by way of Criminal Appeal No. 298 of 2014, which was dismissed by the learned Additional Sessions Judge, Pune by order dated 9th January, 2019. Hence, this Revision Application.

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused has received a notice from the Sessions Court about payment of fine. He has further submitted that the total cheque amount is Rs. 2,95,000/-. He has further submitted that out of Rs. 3,00,000/-, the applicant/accused has deposited Rs. 55,000/- in the Sessions Court before filing appeal. He has further submitted that it is a bailable offence and the applicant/accused has a good case on merits and, therefore, he prays that the applicant/accused be granted bail and the sentence be suspended.

4. The learned Prosecutor is present and submits to the orders of the Court.

5. In view of the submissions of the learned Counsel and also as there is no chance that the Revision Application will be heard in near future, the application is allowed on the following terms:

- i) The sentence is suspended till the hearing of the Criminal Revision Application;
- ii) The applicant/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount on a condition to deposit Rs. 1,00,000/- in two installments of Rs. 50,000/- each. The first installment of Rs.50,000/- shall be deposited on or before 14th February, 2019 and the second installment of Rs.50,000/- shall be deposited on or before 30th March, 2019 in the Sessions Court;
- iii) The applicant/accused shall not jump the bail;
- iv) The applicant/accused shall make himself available at the time of hearing of Criminal Revision Application.

6. Criminal Application stands disposed of accordingly.
7. Place the Criminal Revision Application on 27th March, 2019.

(MRIDULA BHATKAR, J.)