

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

**CRIMINAL APPLICATION NO.83 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.61 OF 2019**

Suresh Sadashiv Shinde ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr.A.S. Pawar for the Applicants

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 6, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant/accused has challenged the order dated 2.5.2014 passed by the learned JMFC, Kolhapur in SC No.2510 of 2012 whereby the applicant is convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to suffer 3 months S.I. and to pay compensation of Rs.1,25,000/- plus cost of Rs.5,000/- and I/d, he is directed to suffer S.I. for one month. The said order was challenged in Criminal Appeal No.67 of

2016 which was dismissed by the learned Sessions Judge, Kolhapur on 29.1.2019 and the order of the trial Court was confirmed.

3. The learned Counsel for the applicant/accused submits that the applicant/accused was on bail throughout the trial and also during the appeal period. The present revision application will take considerable time to be finally head. He further submitted that the applicant/accused undertake that he shall be available at the time of hearing of this Revision application. The learned Counsel submits that, till today, out of the cheque amount of Rs.125,000/- the applicant has deposited a sum of Rs.65,000/- in the Sessions Court. Hence, he prays that the applicant/accused be bailed out and the impugned conviction and sentence be suspended, pending revision.

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

5. In view of the facts and circumstances and submissions of the learned Counsel, the following order is passed:

- i) The application for bail and suspension of sentence is allowed. The impugned judgement and order of conviction

dated 2.5.2014 is suspended, pending revision application subject to the applicant/accused depositing the sum of Rs.125,000/- which is the compensation amount.

ii) The applicant/accused be released on bail upon furnishing P.R. bond in the sum of Rs.15,000/-, with one or two sureties in the like amount;

iv) The applicant/accused shall make himself available at the hearing the revision application.

6. Criminal application is disposed of accordingly.

(MRIDULA BHATKAR, J.)