

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 90 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 77 OF 2019
WITH
CRIMINAL REVISION APPLICATION NO. 77 OF 2019**

Rajendra Hiralal Kucheriya ... Applicant
VS.

Shyam Construction, through Banwari
Yadav (Decd.) through LRs. Gauri
Banwari Yadav & Ors. ... Respondents

Mr. Pritam P. Runwal, Advocate for the applicant.
Mr. A.R. Patil, APP for the respondent/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 16th April, 2019**

P.C. :

Upon urgent mentioning, taken on production board.

2. The Criminal Application is moved by the applicant/accused for suspension of sentence and for bail pending the Criminal Revision Application. The applicant/accused was convicted for the offences punishable under section 138 of Negotiable Instruments Act and is sentenced to suffer rigorous imprisonment for six months and pay compensation of Rs.14,00,000/- and in default, to suffer simple imprisonment for three months by judgment and

order dated 13th January, 2015 passed by the learned Judicial Magistrate First Class, 3rd Court, Nashik in S.C.C. No. 1762 of 2003. The said judgment and order was confirmed in Regular Criminal Appeal No. 32 of 2015 by judgment dated 3rd January, 2019 passed by the learned Additional Sessions Judge-7, Nashik.

3. The learned Counsel for the applicant/accused submitted that it is a bailable offence. Further, the applicant/accused was on bail throughout the trial and also during the appeal. He submitted that the applicant has already deposited Rs.3,00,000/- out of cheque amount of Rs.14,00,000/- in the trial Court.

4. 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, pending this 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 before the trial Court;

(iii) The applicant/accused is directed to deposit a sum of Rs. 2,50,000/- in the trial Court on or before 2nd June, 2019.

(iv) The applicant/accused shall make himself available on all the Court dates.

(v) The applicant/accused shall not indulge into any criminal activity;

6. Issue notice to the respondents in the Criminal Revision Application, returnable on 6th August, 2019.

7. Criminal Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)