

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

**CRIMINAL APPLICATION NO. 110 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 109 OF 2019**

Vishwajit Dayanand Jagtap

...Applicant

Versus

Chaya Corner Nagari Sahakari Patsanstha
Maryadit, Ichalkaranji & Anr.

...Respondents

Mr.Sidheshwar N.Biradar for the Applicant.
Mr. A.R.Patil, APP for Respondent No.2-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 28 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 sentence and for bail. The applicant/accused is convicted for the offence punishable under section 138 of the Negotiable Instruments Act by order dated 5th March, 2016 passed by the learned Judicial Magistrate First Class, Ichalkaranji, Dist : Kolhapur and is sentenced to suffer S.I. for two months and directed to pay a fine of Rs. 1,40,000/- towards the compensation to the original complainant. The said order was

challenged in Criminal Appeal No. 16 of 2016. The said Appeal was dismissed by the judgment and order dated 7th February, 2019 passed by the learned Additional Sessions Judge, Ichalkaranji. Hence, this Application.

3. The learned counsel for the applicant/accused submits that the applicant/accused has already deposited Rs. 41,325/-, however, he cannot deposit the remaining amount of Rs. 99,000/-, but he is ready to pay Rs. 50,000/- within a period of four weeks from today in the Court of Judicial Magistrate First Class, Ichalkaranji, Dist : Kolhapur.

4. The learned APP submits to the orders passed by this Court.

5. Heard. In view of the submissions made by the learned counsel and considering the nature of the offence, the application is allowed on the following terms:

- (i) The impugned sentence is suspended pending revision application;
- (ii) The applicant/accused shall 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;

- (iii) The applicant/accused is directed to deposit Rs. 50,000/- on or before 28th March, 2019 in the Court of Judicial Magistrate First Class, Ichalkaranji, Dist : Kolhapur. This is a condition precedent for suspension of sentence;
 - (iv) The applicant/accused shall not jump the bail;
 - (v) The applicant/accused shall make himself available at the time of hearing of Revision Application.
6. List this Revision Application as per CMIS date i.e., 22nd July, 2019.

(MRIDULA BHATKAR, J.)