

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 113 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 112 OF 2019**

Raja Oil Trading Company (Vashi) & Anr. ... Applicants

VS.

Parvez Mohammed Haroon & Anr. ... Respondents

Mr. Rakesh R. Singh, Advocate for the applicant.

Mr. A.R. Patil, Addl. P.P. for the respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 4th March, 2019.

P.C. :

Upon urgent mentioning, taken on production board.

2. The Criminal Application is moved by the applicants/accused for suspension of the sentence and also for bail pending the Criminal Revision Application. By the judgment and order dated 10th March, 2016 passed by the learned 3rd Joint Civil Judge Junior Division and Judicial Magistrate First Class, Vashi at Belapur, CBD in S.C.C. No. 11195 of 2015, the applicant no. 2/accused was convicted for the offences punishable under section 138 of Negotiable Instruments Act and was sentenced to suffer rigorous imprisonment for three months and to pay fine of

Rs.6,00,000/- and i/d. to suffer further S.I. for 2 months. The said judgment and order was confirmed by the learned District Judge-1 & Additional Sessions Judge, Thane in Criminal Appeal No. 39 of 2016 by the judgment and order dated 14th February, 2019.

3. The learned Counsel for the applicant 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 is taken in custody by the Sessions Court on 14th February, 2019. Hence, the learned counsel prays that sentence be suspended and bail be granted to the applicant/accused.

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 impugned sentence is suspended till the hearing of the 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;

iii) The applicant/accused shall make himself available at the time of hearing of Criminal Revision Application;

(iv) The applicant/accused shall not jump the bail

6. Criminal Application stands disposed of accordingly.
7. Parties to act upon the authenticated copy of this order.
8. In Criminal Revision Application, issue notice to respondent no. 1, returnable on 1st August, 2019.

(MRIDULA BHATKAR, J.)