

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

**CRIMINAL APPLICATION No.132 OF 2019
IN
CRIMINAL REVISION APPLICATION No.137 OF 2019**

Lalasaheb Sambhaji Tadakhe

... Applicant

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.P.G. Sarda for the Applicant

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 8, 2019

P.C.:

1. Not on Board. Mentioned.
2. This application is moved for suspension of sentence and bail as the applicant/accused is convicted under section 138 of the Negotiable Instruments Act initially by the learned JMFC, Pune by order dated 31.3.2016 and he is sentenced to undergo R.I. for 3 months and also directed to pay compensation of Rs.8 lakhs and i/d to suffer 4 months S.I. The said judgment and order was confirmed by the order dated 8.3.2019 by the learned Additional

Sessions Judge, Pune while dismissing the Criminal Appeal No.229 of 2016.

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused has deposited the entire amount of Rs.8 lakhs on 26.3.2018 in the District Court, Pune and already that amount of Rs.8 lakhs is withdrawn by the respondent. The learned Counsel submits that this fact is noted down in para 19 of the judgment of the learned Additional Sessions Judge, Pune. The learned Counsel has made out the urgency that the applicant/accused is a Senior Engineer working in the Pune Municipal Corporation. He submitted that if he remains behind the bars for more than 48 hours, he is likely to be suspended from the job. The learned Counsel submitted that he has a good case on merits and, therefore, he is to be released on bail and the impugned judgment and conviction be suspended pending revision.

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

5. Considered the submissions; perused the impugned order dated 8.3.2019 of the learned Sessions Judge wherein it is

mentioned that the applicant/accused has deposited Rs.8 lakhs and it is withdrawn by the original complainant. The applicant/accused is working in the Government establishment and will be suspended if he remains behind bars for more than 48 hours and today being Friday, the High Court will be closed for 2 days till Monday.

6. In this view of the matter and only on this ground as also considering the nature of the offence and as the applicant was on bail throughout the trial and appeal period, the application is allowed on the following terms:

- i) 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;
- ii) The impugned judgment and conviction dated 8.3.2019 is suspended, pending the revision application;
- iii) The applicant/accused shall make himself available on all the Court dates.

7. Issue notice to the respondents in the Criminal Revision Application, returnable on 15.3.2019.
8. The Registry to number the matter immediately.
9. Criminal Application stands disposed of accordingly.
10. Parties to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)