

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

**CRIMINAL APPLICATION NO.143 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.147 OF 2019**

Rajesh Shah

... Applicant

Vs.

The State of Maharashtra & Ors.

... Respondents

Mr.M.R. Bohra for the Applicant

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

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 19, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The Criminal Application is filed for suspension of impugned judgment and impugned judgment and sentence as also bail. The applicant is facing prosecution under section 138 of the Negotiable Instruments Act. He is convicted by the order dated 4.10.2012 by the learned Metropolitan Magistrate, 7th Court, Dadar and sentenced to suffer SI for 6 months and payment of compensation of Rs.23 lakhs and l/d to suffer SI for 6 months. The said

judgement and order was confirmed on 4.2.2019 by the learned Additional Sessions Judge, Greater Mumbai, with modification and he is directed to pay compensation of Rs.21 lakhs and the substantive sentence was reduced and i/d he was directed to suffer SI for 4 months.

3. Learned Counsel for the applicant submits that the applicant is not taken into custody. He submits that it is a bailable offence and hence, seeks bail pending revision.

4. Learned Prosecutor 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 judgment and sentence dated 4.2.2019 is suspended pending revision;
- ii) The applicant/accused shall be released on the same bail of Rs.25,000/- however, with fresh bonds;
- iii) The applicant/accused shall make himself available on all the Court dates.

6. Issue notice to the respondents in the Criminal Revision Application, returnable on 19.6.2019.
7. Criminal Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)