

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

**CRIMINAL APPLICATION NO.184 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.188 OF 2019**

Mangal Anil Shinde ... Applicant

Vs.

Vithal Baban Pathare & Ors. ... Respondents

Mr.V.B. Shivarkar for the Applicant

Mrs.M.R. Tidke, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: APRIL 8, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant/accused is convicted by the judgment and order dated 8.5.2015 passed by the learned JMFC, 15th Court, Link Court, Pune, for the offences punishable under section 138 of the Negotiable Instruments Act and is directed to suffer 2 months SI and payment of compensation of Rs.12,50,000/- and I/d, to suffer 1 months SI. The said order was challenged in Appeal No.307 of 2015. However, the appeal was dismissed and the order of the

learned Magistrate was confirmed by judgment dated 22.2.2019 by the learned Sessions Judge, Pune. Hence, this revision and the application for bail and suspension of sentence, pending the revision application.

3. The learned Counsel for the applicant/accused submits that applicant/accused has a good case on merits. It is a bailable offence. Further, the applicant/accused was on bail throughout the trial and also during the appeal. He also submits that out of Rs.12,00,000/-, which is the cheque amount, the applicant/accused has deposited Rs.2,70,000/- in the 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 applicant/accused shall deposit a further sum of Rs.1 lakh on or before 30.4.2019 in the trial Court and upon deposit of the same, the impugned sentence and conviction shall stand suspended, pending the revision application.

The respondent/complaint is allowed to withdraw the said amount upon furnishing a usual undertaking, as prescribed under the Act.

ii) The applicant 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 on all the Court dates.

6. Issue notice to the respondents in the Criminal Revision Application, returnable on 19.7.2019. Learned APP waives notice on behalf of the State.

7. Criminal Application stands disposed of accordingly.

8. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)