

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

**CRIMINAL APPLICATION No. 198 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 196 OF 2019**

Ramashankar Mithailal Jaiswal

...Applicant

Versus

M/s. Ava Traders, Through its partner
Shri Kodad Minoo Irani & Anr.

...Respondents

Mrs.Vrishali R. Raje for the Applicant.
Mrs.Veera Shinde, APP for Respondent No.2-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 04 APRIL 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. This Criminal Application is moved by the applicant/accused for suspension of the sentence and also for bail. By the judgment and order dated 7th June, 2017 passed by the learned Judicial Magistrate First Class, Dahanu in S.C.C. No. 32 of 2015, the applicant/accused was convicted for the offence punishable under section 138 of the Negotiable Instruments Act and was sentenced to suffer R.I. for one year and was also directed to

pay a fine of Rs.7,05,000/- and in default to suffer further R.I. for three months. The said judgment and order was confirmed by the learned Additional Sessions Judge, Palghar in Criminal Appeal No. 13 of 2017 by the judgment and order dated 13th March, 2019.

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused was on bail throughout the trial and also during the appeal. Hence, the learned Counsel prays that sentence be suspended and bail be granted to the applicant/accused.

4. Learned Public 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 Criminal 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 to deposit 20% of the cheque amount in the Court of the learned Judicial Magistrate First Class, Dahanu on or before 30th April, 2019.

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

(v) The applicant/accused shall not jump the bail.

6. The original complainant i.e., respondent No.1 is permitted to withdraw the amount on an usual undertaking as and when deposited by the applicant/accused.

7. Criminal Application stands disposed of accordingly.

8. Parties to act upon an authenticated copy of this order.

9. List Criminal Revision Application on 5th August, 2019.

(MRIDULA BHATKAR, J.)