

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

**CRIMINAL APPLICATION NO.253 OF 2019
WITH
CRIMINAL APPLICATION NO. 254 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 245 OF 2019**

Mr.Sanjay Gangaram Katkar

...Applicant

Versus

Mr.Balkrishna Mahadev Mhadam & Anr.

...Respondents

.....

Mr.Prakash Uttam Sutar for the Applicant.

Mr.N.B.Patil, APP for the Respondent-State.

.....

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 2 MAY 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. These Criminal Applications are moved by the applicant/accused for bail and suspension of sentence, pending the Criminal Revision Application. The applicant/accused was convicted for the offence punishable under section 138 of the Negotiable Instruments Act and sentenced to suffer S.I. for one month and directed to pay a fine of Rs.1,25,000/-, and in default, to suffer R.I. for four months by judgment

and order dated 31st August, 2016 passed by the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai. The said judgment and order was confirmed in Criminal Appeal No.179 of 2017 by judgment and order dated 3rd April, 2019 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Gr. Bombay.

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused was on bail throughout the trial and appeal. Further, it is a bailable offence.

4. The cheque amount is Rs.97,000/- and out of that, the applicant/accused has already deposited Rs. 30,000/-.

5. The learned Prosecutor is present and submits to the orders of the Court.

6. 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 Applications are allowed on the following terms:

- (i) The sentence is suspended, pending this 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 before the trial Court;

(iii) The applicant /accused is directed to deposit Rs. 10,000/- in the trial Court within a period of two weeks from today;

(iv) The applicant/accused shall make himself available on all the Court dates;

7. Criminal Applications stand disposed of accordingly.

8. Issue notice to the respondents in the Criminal Revision Application, returnable on 20th August, 2019.

(MRIDULA BHATKAR, J.)