

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 341 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 341 OF 2016**

Mohan Ramesh Pardeshi	...	Applicant
V/s.		
Shree Enterprises & Anr.	...	Respondents

Ms.P.P. Hingmire for Applicant.
Mr.R.M. Pethe, APP for Respondent No.2-State.

CORAM : A.S. GADKARI, J.

DATE : 11th September 2019.

PC. :

1] This is an application for suspension of sentence and releasing the applicant on bail.

2] The applicant is convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer rigorous imprisonment for three months and to pay fine of Rs.81,000/-, in default of payment of fine to further suffer rigorous imprisonment for three months by the learned Judicial Magistrate, First Class, Court No.7,

Nashik, in Summary Criminal Case (S.C.C.) No. 2562 of 2013 by its Judgment and Order dated 22nd September 2014.

The Criminal Appeal No. 177 of 2014 preferred by the applicant has been turned down by the learned Additional Sessions Judge, Nashik, by its Judgment and Order dated 9th May 2016.

3] The learned counsel for the applicant submitted that, during the pendency of the appeal, the applicant has already deposited an amount of Rs.20,000/- out of the total fine amount of Rs.81,000/- in the Registry of the Appellate Court. She further, on instructions, submitted that, after filing of the present Revision Application, the applicant and the respondent No.1 tried to settle the matter amicably out of Court and to file consent terms with a view to seek compounding of the offence alleged against the applicant. However, the said efforts could not be fructified. She further submitted that, she has received instructions from the applicant that the respondent No.1 has now initiated proceedings for execution of the conviction warrant against the applicant in furtherance of the impugned Judgment and Order passed by the Trial Court. That the Application No.464 of 2019 has been filed for seeking stay to the execution and implementation of the impugned Judgment and Order

mentioned here-in-above.

4] As the maximum sentence imposed upon the applicant is three months of rigorous imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and to release him on bail.

The applicant is directed to deposit an additional sum of Rs.30,000/- out of the total amount of fine in the Registry of the Appellate court.

5] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the *pendency* of the Revision Application, the applicant is released on bail on following terms and conditions.

(a) The applicant be released on bail on his furnishing PR Bond of Rs.10,000/- with one or two local sureties in the like amount.

(b) The procedure for bail be complied with before the trial Court.

(c) It is made clear that, if the applicant fails to deposit the said additional sum of Rs.30,000/- in

the Registry of the Appellate Court within two weeks from today, the Order granting suspension of sentence and releasing the applicant on bail shall stand vacated without further reference to this Court.

6] Application is allowed in the aforesaid terms.

7] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]