

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 331 OF 2019****IN****CRIMINAL REVISION APPLICATION NO. 328 OF 2019**

Chandrakant Vishwanath Amrutkar

...Applicant.

Vs.

Anand Grammin Bigar Sheti Sahakari
Patsanstha Ltd. & Ors.

....Respondents.

Mr. Amey Deshpande for the Applicant.

Mr. R.M. Pethe APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 8th JULY, 2019.****P.C.:-**

This is an Application for suspension of substantive sentence and for releasing the Applicant on bail.

2 The Applicant is convicted under Section 138 of the Negotiable Instruments Act, 1881 and is sentenced to suffer rigorous imprisonment for one year and to pay the compensation of Rs.10,00,000/-, in default of payment of compensation to further suffer simple imprisonment for five months, by the learned Judicial Magistrate, First Class, Kalwan, District Nashik in S.C.C. No. 527 of

2011 by its Judgment and Order dated 17th June, 2015.

The Criminal Appeal No. 109 of 2015 preferred by the Applicant, has been dismissed by the learned Sessions Judge, Nashik by its Judgment and Order dated 6th June, 2019.

3 The learned counsel for the Applicant submitted that, the Applicant is aged about 64 years as of today. That, out of total compensation of Rs.10 lakhs, the Applicant has deposited a sum of Rs.2 lakhs in the Registry of the Sessions Court and Rs. 8 lakhs is to be paid, out of the total amount of compensation. He submitted that, the Applicant is having good hopes of success in the present Revision, as a substantial question of law is involved for consideration in the matter.

4 In view thereof, the Applicant is directed to deposit an additional sum of Rs.3 lakhs in the Registry of the Sessions Court, Nashik within a period of two weeks from today. It is needless to mention that, the deposit of said amount in the Registry of the Sessions Court will be without prejudice to the rights and contention of the Applicant to be raised at the time of the final hearing of the Revision.

Subject to deposit of the said additional sum of Rs.3 lakhs by the Applicant, the substantive sentence imposed upon the Applicant

shall stand suspended during the pendency of the present Revision and the Applicant is released on bail.

Hence the following order-

- a) During the pendency of the Revision Application, the substantive sentence imposed upon the Applicant is hereby suspended.
- b) During the pendency of the Revision Application, 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.
- c) The procedure for bail be complied with before the Trial Court.
- d) The deposit of additional amount of Rs. 3 lakhs as stated hereinabove within stipulated period shall be condition precedent for suspending the sentence of the Applicant and releasing him on bail. Failure to deposit the said amount of Rs.3 lakhs, the present Order of suspension of sentence and grant of bail to the Applicant shall stands revoked without further reference to this Court.

- e) Application is allowed in the aforesaid terms.

All the concerned to act on the basis of an authenticated copy of this Order.

(A.S. GADKARI, J.)