

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 345 OF 2019****IN****CRIMINAL REVISION APPLICATION NO. 119 OF 2019**

Suresh Jivaji Vilankar

...Applicant.

Vs.

Kamal Nagari Sahakari

Patsanstha Ltd.

Through- Pramod Kashinath Mhatre & Anr.

....Respondents.

Mr. Pradeep M. Patil a/w Mrs. Revati Tatkare a/w Mr. Pravin B. Gole
A/W Mr. R. N. Deshmukh for the Applicant.

Smt. J.S. Lohokare APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 24th JULY, 2019.****P.C.:-**

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

2 The Applicant is convicted under Section 138 of the Negotiable Instruments Act, and is sentenced to suffer simple imprisonment for one year and to pay a fine amount of Rs.18 lakhs, in default of payment of fine to further undergo simple imprisonment for three months by the learned Judicial Magistrate, First Class, Raigad-Alibag in S.C.C. No. 443 of 2014 by its Judgment and Order dated 26th

August, 2016.

3 The Criminal Appeal No. 90 of 2016 preferred by the Applicant though has been dismissed by the learned Sessions Judge, Raigad-Alibag, the Appellate Court has modified the sentence awarded to the Applicant and has reduced the period of sentence from one year to six months by maintaining the quantum of fine amount, by its Judgment and Order dated 13th February, 2019.

4 As the maximum sentence imposed upon the Applicant is six months of simple imprisonment and the possibility of hearing of the present Revision on merits in near future is remote, I am inclined to suspend the sentence and release the Applicant on bail, subject to condition that the Applicant shall deposit entire fine amount in the Registry of the Trial Court before his actual release from Jail.

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 completed before the Trial Court.
- d) It is made clear that, the deposit of entire fine amount in the Registry of the Trial Court is condition precedent for actual release of the Applicant from Jail.
- e) The 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.)