

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

**CRIMINAL APPLICATION NO. 395 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 385 OF 2019**

Shaikh Zulfikar Shaikh Ismail	...	Applicant
V/s.		
The State of Maharashtra & Anr.	...	Respondents

Mr.R.N. Gite for Applicant.
Mr.R.M. Pethe, APP for Respondent No.1-State.

CORAM : A.S. GADKARI, J.

DATE : 6th August 2019.

P.C. :

1] 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 simple imprisonment for six months and to pay a fine amount of Rs.1,60,000/-; in default of payment of fine to suffer simple imprisonment for two months by the learned 6th Judicial Magistrate First Class, Nashik, by its

Judgment and Order dated 26th March 2013 passed in Summary Criminal Case (SCC) No. 6842 of 2003.

The Criminal Appeal No. 55 of 2013 preferred by the applicant has been dismissed by the learned Sessions Judge, Nashik, by its Judgment and Order dated 12th June 2019.

3] Learned counsel for the applicant submitted that, out of the total sentence of six months of simple imprisonment, as of today the applicant has undergone actual imprisonment of about 24 days. He submitted that, the applicant will deposit the fine amount in the Registry of the trial Court, if not deposited earlier and before his actual release from jail. The said statement is accepted.

4] As the maximum sentence imposed upon the applicant is six months of simple 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.

Hence, following order :

During the pendency of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended

and 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, subject to deposit of fine amount in the Registry of the trial Court, if not deposited earlier.*
- (b) The procedure for bail be complied with before the trial 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.]