

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 449 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 349 OF 2019

Jitendra Pruthviraj Chavan

...Applicant.

Vs.

Ravindra Nagesh Kulkarni & Anr.

....Respondents.

Adv. Nilesh P. Hinduja for the Applicant.

Mrs. J.S. Lohokare APP for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 4th SEPTEMBER, 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 six months and is directed to pay a compensation of Rs.3 lakhs plus Rs.5,000/- towards costs to the Complainant by the learned Judicial Magistrate, First Class, Kolhapur in Summary Criminal Case No. 2044 of 2012 by its Judgment and Order dated 21st March, 2014.

3 The Criminal Appeal No.74 of 2014 preferred by the

Applicant has been dismissed by the learned Additional Sessions Judge, Kolhapur by its Judgment and Order dated 6th May, 2019.

4 Learned counsel for the Applicant submitted that, after dismissal of his Criminal Appeal, the Trial Court has issued non-bailable warrant in pursuance of its Order dated 21st March, 2014. He further, on instructions, submitted that during the pendency of the Appeal, the Applicant had deposited an amount of Rs.99,000/- in the Registry of the Appellate Court.

5 As the sentence imposed upon the Applicant is a short term sentence and the possibility of hearing of the present Revision Application on its own merits in near future is remote, I am inclined to suspend the substantive sentence imposed upon the Applicant and to release him on bail, subject to condition that, the Applicant shall deposit an additional sum of Rs.1 lakh in the Registry of the Appellate Court within a period of two weeks, from today.

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 an additional amount of Rs.1 lakh in the Registry of the Appellate Court is a condition precedent for suspension of sentence and releasing the Applicant on bail.

If the Applicant fails to deposit the said additional amount of Rs.1 lakh in the Registry of the Appellate Court within the stipulated period, the present Order suspending the sentence and granting bail, to the Applicant, will stand automatically 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.)