

vks

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

**CRIMINAL APPLICATION NO.736 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.691 OF 2016
WITH
CRIMINAL APPLICATION NO.737 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.691 OF 2016**

Dattatray Haribhau Sherkar	...	Applicant
V/s.		
Arun Dattatray Bhor and anr	...	Respondents

Mr. G. H. Keluskar, for the Applicant.
Ms. P. N. Dabholkar, APP for respondent State.

CORAM : N. J. JAMADAR, J.

DATE : 18th December, 2019.

PC. :

- 1] Not on board.
- 2] Upon mentioning, taken on board.
- 3] Heard the learned counsel for the applicant.
- 4] These applications are filed for suspension of sentence and release on bail during pendency of the Revision Application.
- 5] The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer

simple imprisonment for one month, with a direction to pay compensation of Rs.1,53,000/- to the complainant, by the learned Metropolitan Magistrate, 50th Court, Vikroli, Mumbai, by judgment and order, dated 21st May, 2015. The appeal preferred against the said judgment and order being Criminal Appeal No.554 of 2015, came to be dismissed by the learned Additional Sessions Judge, Greater Bombay, by judgment and order dated 18th October, 2016, and the order of conviction and sentence passed by the learned Magistrate came to be confirmed. The applicant is, thus, in Revision.

6] The learned counsel for the applicant submits that the applicant was on bail during the trial and the appeal as well. The applicant is ready to deposit reasonable amount of compensation in addition to the amount which is already deposited by the applicant.

7] It is unlikely that the Revision Application can be heard and decided in the immediate future. It is, thus, expedient in the interest of justice to release the applicant on bail having regard to the short sentence imposed by the learned Magistrate. Hence the following order.

Order

i] Both Applications stand allowed.

ii] The sentence imposed by the learned Magistrate in C.C. No.1609/SS/2013, by judgment and order dated 21st May, 2015, and confirmed by the learned Additional Sessions Judge in Criminal Appeal No.554 of 2015, by judgment and order

dated 18th October, 2016 stands suspended till disposal of the Revision Application.

iii] The applicant be released on bail on furnishing a PR. bond in the sum of Rs.15,000/- with a surety in the like amount to the satisfaction of learned Metropolitan Magistrate, 50th Court, Vikroli.

iv] The applicant shall deposit an amount of Rs.75,000/- within a period of four weeks from today, in the Court of learned Metropolitan Magistrate, 50th Court, Vikroli, Mumbai.

v] In the event of default in deposit of the aforesaid amount within the stipulated period, this order shall stand vacated automatically.

vi] The applications stand disposed of in above terms.

vi] All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]