

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPR) NO. 157/2018

IN

CRIMINAL REVISION NO. 100/2018

(Balabhau Haribhau kavanpure vs. M/s Sai auto Agencies)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Mr.Manoj Kumar Mishra, Advocate for the applicant

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 7th October, 2019

This is an application filed u/s. 389 of the Cr.P.C. for suspension of sentence and enlargement on bail. The applicant has been convicted u/s 138 of Negotiable Instruments Act and sentenced to suffer RI for three months and to pay compensation of Rs. 1 lakh to the complainant, in default, to suffer SI for six months, by the learned JMFC Amravati. The said judgment was confirmed in Appeal by learned Sessions Judge, Amravati via its judgment and order dated 10.4.2018.

I have heard Shri Manoj Kumar Mishra, learned counsel for the applicant. He contended that the applicant was on bail all throughout and has not misused the liberty granted to him. He further submitted that even the entire compensation amount of Rs. 1 lakh has already been deposited in the Court.

Taking into consideration the nature of allegations against

the applicant, also the fact that the applicant was on bail all throughout and the substantive jail sentence was already suspended and he was released on bail by the learned trial Judge and the entire compensation amount has been paid and the fact that the applicant has not misused the liberty granted to him, I am of the view that the applicant is entitled to suspension of jail sentence and grant of bail. Hence the following order:

ORDER:

- 1) Criminal Application No. 157/2018 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Sessions Judge, Amravati in Cri. Appeal No.98/2013 dated 10.5.2018 arising out of the judgment and order in Summary Cri.Case No. 3385/2009 passed by JMFC Court No.3 Amravati dated 4.4.2013 shall remain suspended during the pendency of the present Revision.
- 3) The applicant shall be released on bail by executing fresh bonds of the same amount as in the trial court.
- 4) The Application stands disposed of.

Cri. Revision No. 100/2018.

Heard.

Call R & P

JUDGE

Sahare