

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

CRIMINAL APPLICATION (APPR) No.259 OF 2019

IN

CRIMINAL REVISION APPLICATION NO.198 OF 2019

[Smt. Varsha Damodhar Manapure .vs. Shri Rajesh Namdeorao Kayarkar and one]

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

Court's or Judge's orders

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Shri S.O. Ahmed, Advocate for the applicant,
Shri I.J. Damle, APP for non-applicant no.2-State.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : SEPTEMBER 17, 2019.

Heard.

The applicant has filed this application under Section 389 of the Code of Criminal Procedure for suspension of sentence and grant of bail to the applicant.

It is submitted that vide order dated 06.12.2014 the applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to suffer simple imprisonment for one month and to pay an amount of Rs.2,50,000/- in default to suffer simple imprisonment for twenty days. The said judgment was confirmed by the learned Sessions Judge at Chandrapur, vide order dated 18.07.2019.

Heard the learned advocates for both the sides.

The learned advocate for the applicant submits that the applicant has deposited 25 per cent of the compensation amount to the tune of Rs.62,500/- in this Court. It is submitted that throughout the applicant was on bail and has not misused the liberty.

Taking into consideration the nature of offence and the

allegations against the applicant and also considering that he has deposited 25 per cent of the compensation amount in this court and the fact that the applicant was on bail during the trial and the substantive jail sentence was already suspended and the applicant was released on bail by the learned trial Judge and also considering that it would not be possible to take up the hearing of the revision finally by this Court in near future due to pendency of old matters, 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.259/2019 is allowed.
- 2] The substantive jail sentence imposed against the applicant 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 applicant shall remain personally present before this Court at the time of final hearing of the revision.

Criminal Application stands disposed of.

JUDGE