

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

CRIMINAL REVISION APPLICATION NO.241 OF 2019

[Ravindra s/o Shirdhar Fating .vs. Kishore s/o Balaji Paunikar and one]

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

Court's or Judge's orders

Shri Yogesh V. Nayyar, Advocate for the applicant.
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CORAM : MRS. SWAPNA JOSHI, J.

DATED : OCTOBER 04, 2019.

Heard.

Issue notice before admission to the respondents
made returnable after Diwali Vacation.

Shri Amit Chutke, the learned APP waives service of
notice on behalf of respondent no.2-State and seeks time to
file reply.

Criminal Application (APPR) No.323 of 2019

Heard.

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

It is submitted that the learned Additional Sessions
Judge has convicted the applicant for the offence punishable
under Section 138 of the Negotiable Instruments Act and
was sentenced to suffer simple imprisonment for one year
and to pay a fine of Rs.8,00,000/- in default to suffer simple
imprisonment for nine months.

The learned advocate for the applicant submits that the applicant was all throughout on bail during the pendency of trial as well as the appeal in the lower court and he has not misused the liberty. The learned advocate for the applicant submits that the applicant has also deposited the amount of 25% of the total compensation amount and he undertakes to deposit the remaining 25% of the compensation amount in this Court till 14th October, 2019.

Taking into consideration the nature of allegations against the applicant, also 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.323/2019 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 learned Judge before whom the bail bonds will be executed shall ensure that before execution of the bail bonds, the entire fine amount is deposited by the applicant.

5] The applicant shall remain personally present before this Court at the time of final hearing of the revision.

Criminal Application stands disposed of. Hamdast granted.

JUDGE

Gulande