

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

CRIMINAL REVISION NO.264 OF 2019

[Ashish s/o Bhaoraoji Kahate .vs. Lakshmee Intelligent Technologies]

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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 orders

CORAM : MRS. SWAPNA JOSHI, J.

DATED : NOVEMBER 08, 2019.

Heard Shri C.F. Bhagwani, the learned advocate for the petitioner.

Issue notice before admission to the respondent made returnable after two weeks.

Criminal Application (APPR) No.355/2019

Heard.

Applicant has filed this application for suspension of sentence under section 397 (1) of the Code of Criminal Procedure.

It is submitted by the learned advocate for the applicant that the applicant-accused, along with other accused, was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to suffer simple imprisonment for three months. The applicant, along with other two accused, was directed to pay the compensation of Rs.1,25,000/- to the complainant jointly and severally, in default to undergo simple imprisonment for 20 days. The said judgment and order was confirmed by the learned Sessions Judge, Chandrapur. The said judgment and order is under challenge before this Court.

The learned advocate for the applicant further submits that the applicant has deposited the amount of Rs.45,000/- before the appellate court which has been withdrawn by the complainant.

Taking into consideration the nature of allegations against the applicant, also the fact that the applicant all throughout 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 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 and the fact that the applicant has deposited the amount of Rs.45,000/- before the lower appellate court, 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 is allowed and disposed of.
- 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. Hamdast granted.

JUDGE