

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CRIMINAL APPLICATION (APPR) NO. 377/2019
IN
CRIMINAL REVISION APPLICATION NO.282/2019
(Kaushik Kalyankumar Chaterjee vs. Dipali w/o Suresh Borkar and
another)

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

Court's or Judge's order

.....
 Mr. G.M. Shitut, Advocate for the appellant
 Mr. I.J. Damle, APP for respondent no.2-State

CORAM : MRS. SWAPNA JOSHI, J.

DATED : 19th November, 2019

By this Application, the applicant prays for suspension of jail sentence imposed upon him by the learned Additional Sessions Judge, Bhandara in Cri. Appeal No. 67/2018 dated 15.11.2019, and grant of bail.

The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act 1881 and was sentenced to suffer RI for six months and to pay a fine of Rs.2,25,000/-, in default, to suffer RI for one month by learned Judicial Magistrate, First Class, Sakoli, the judgment of which came to be modified inasmuch as the applicant was sentenced to suffer RI for two months, in Criminal Appeal No. 67/2018 by learned Additional Sessions Judge, Bhandara.

I have heard Shri G.M.Shitut, learned counsel for the applicant and Mr.I.J.Damle, learned A.P.P. for the respondent no.2 -

State.

The learned counsel for the applicant submits that the applicant was on bail throughout and he had not misused the liberty granted to him. So also he has deposited 25% of the amount of compensation i.e. Rs. 60,000/- in the Court below.

Taking into consideration the nature of allegations against the applicant, also the fact that the applicant was on bail during the trial as well as appeal and has deposited the amount to the extent of 25% of compensation and also 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. 377/2019 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned Addl.Sessions Judge, Bhandara in Cri.Appeal No. 67/2018 dated 15.11.2019 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.

The Application stands disposed of.

CRIMINAL REVISION NO. 282 /2019

Heard.

Issue notice to the respondents, returnable after three weeks.

Mr.I.J. Damle, learned APP waives notice on behalf of respondent no.2-State.

Learned Advocate for the applicant undertakes to furnish copies of deposition.

Steno copy granted.

JUDGE

Sahare