

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

CRIMINAL APPLICATION (APPR) NO. 30 OF 2020
IN
CRIMINAL REVISION APPLICATION NO. 9 OF 2020

(Suratsingh s/o Surkansingh Hirapure

Vs.

Jagruti Bigarsheti Sahakari Patpurvatha Sanstha Ltd. Thr. Hemant Toliram
Bisen, Mundikota, Dist. Gondia & Anr.)

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

Court's or Judge's orders

Shri R.K. Borkar, Advocate for the Applicant.
Shri Amit Chutke, APP for the Respondent No.2-State.

CORAM: MRS. SWAPNA JOSHI, J.

DATED : 07th February, 2020.

CRIMINAL APPLICATION (APPR) NO. 30 OF 2020

By this Application, the Applicant prays for suspension of jail sentence imposed upon him by the learned Judicial Magistrate First Class, Tirora, District Gondia on 16.10.2014 in Summary Criminal Case No. 63/2012 and upheld by the Sessions Judge, Gondia on 24.12.2019 in Criminal Appeal No.15/2014, and to release him on bail.

2. The Applicant – Accused is convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, by the learned Judicial Magistrate First Class, Tirora, District Gondia and sentenced to suffer simple imprisonment for two

months and to pay compensation at the tune of amount of disputed cheque to the complainant and in default of payment of compensation, to suffer simple imprisonment for three months.

3. I have heard Shri R.K. Borkar, the learned Advocate for the Applicant and Shri Amit Chutke, the learned APP for the Respondent No. 2 – State.

4. The Applicant is on bail during the pendency of trial before the learned Judicial Magistrate First Class, Tirora, District Gondia as well as during the pendency of Criminal Appeal before the learned Sessions Court, Gondia. The learned Advocate for the Applicant submits that Applicant has deposited the amount of Rs.1,30,000/- (Rs. One Lakh Thirty Thousand) i.e. 25% of the cheque amount with the Registry of this Court.

5. The learned APP has formally opposed to grant suspension of sentence and grant of bail to the Applicant.

6. Considering the nature of offence, the fact that during the trial period the Applicant is on bail and also considering the contention of the learned Advocate for the Applicant that talks of settlement are going on between the parties, the

Applicant needs to be released on bail and sentence is required to be suspended. Hence the following order.

ORDER

- (i) Criminal Application No. 30 of 2020 is **allowed.**
- (ii) The substantive jail sentence imposed against the Applicant by the learned Judicial Magistrate First Class, Tirora, District Gondia on 16.10.2014 in Summary Criminal Case No. 63/2012 and upheld by the Sessions Judge, Gondia on 24.12.2019 in Criminal Appeal No.15/2014 shall remain suspended during the pendency of the present Criminal Revision.
- (iii) The Applicant shall be released on bail by executing fresh bond in the sum of Rs.15,000/- in the trial court.

7. The Criminal Application stands disposed of accordingly.

(MRS. SWAPNA JOSHI, J.)