

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

CRIMINAL APPLICATION (APPR) NO. 36/2020

IN

CRIMINAL REVISION APPLICATION NO.33/2020

(Govind Banhomal Chawla vs. The State of Maharashtra and another)

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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 order

.....
Mr. A.R. Deshpande, Advocate for the applicant
Mr. Amit Chutke, APP for respondent-State

CORAM : MRS.SWAPNA JOSHI, J.

DATED : 11th February, 2020

Issue notice to the respondents on both the Revision as well as application for suspension of sentence, returnable after four weeks.

CRI. APPR.NO.36/2020

In the meanwhile, the applicant prays for grant of bail and suspension of jail sentence imposed upon him by learned Judicial Magistrate, First Class, Court No.11, Akola in Regular Criminal Case No.1192/2004 dated 4.8.2018.

The applicant has been convicted for the offence punishable u/s. 138 of the Negotiable Instruments Act by learned Judicial Magistrate, First Class, Akola and sentenced him to undergo RI for a term of one year and imposed a fine of Rs.4,60,000/-. The appeal bearing Cri. Appeal No.130/2018 was dismissed by the learned Sessions Judge, Akola, vide his order dated 5.2.2020.

I have heard Shri A.R.Deshpande, learned counsel for the applicant and Mr. Amit Chutke, learned A.PP for the respondent.

The applicant was on bail during the pendency of appeal. However, at present, he is in jail after the judgment dated 5.2.2020.

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 by the lower Appellate Court and also the fact that he has deposited the amount of Rs.50,000/-, 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. 36/2020 is allowed.
- 2) The substantive jail sentence imposed against the applicant by the learned trial Judge vide judgment and order dated 4.8.2018 passed by Judicial Magistrate First Class, Court No.11, Akola in Regular Criminal Case No.1192/2004 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 be released from jail forthwith, if not required in any other case.

JUDGE