

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION NO. 63 OF 2020
IN
CRIMINAL REVISION APPLICATION NO. 58 OF 2020
(Jeetendra Digambarrao Kadu V/s Smt. Vaishali Satish Sawwalakhe & Ors.)**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Prothonotary's orders	Court's or Judge's orders
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Mr. P. A. Kadu, Advocate for Applicant.

CORAM : MRS. SWAPNA JOSHI, J.
DATE : MARCH 3, 2020.

1. By this Application, the Applicant is seeking suspension of jail sentence imposed upon him by the learned Judicial Magistrate First Class, Chandur Railway, District Amravati on 5/1/2015 in Summary Criminal Case No.269 of 2007 and confirmed by the Additional Sessions Judge, Amravati on 15/2/2020 in Criminal Appeal No. 24/2015 and to release the Applicant on bail.

2. The Applicant - Accused was convicted for the offence punishable under Section 138 of Negotiable Instruments Act by the learned Judicial Magistrate First Class, Chandur Railway and sentenced to suffer simple imprisonment for six months and to pay compensation of Rs.2,75,000/- (Rs. Two Lacs Seventy Five Thousand) jointly to the legal representatives of deceased complainant. The learned Additional Sessions Judge, Amravati has dismissed the Appeal filed by the Applicant.

3. Heard Mr. Kadu, the learned Counsel for the Applicant. The learned Counsel submits that the Applicant is on bail during the pendency of trial before the learned Judicial Magistrate First Class, Chandur Railway as well as during the pendency of Criminal Appeal before the learned Additional Sessions Court, Amravati. The learned Counsel further submits that Applicant had deposited the amount of Rs.80,000/- in the appellate court.

4. Considering the nature of offence and considering the fact that during the trial period the Applicant was on bail and has not misused the liberty granted to him, the Applicant is entitled to be released on bail and the sentence imposed upon him is required to be suspended. Hence the following order.

ORDER

- (A) Criminal Application is allowed.
- (B) The substantive jail sentence imposed against the Applicant by the learned Judicial Magistrate First Class, Chandur Railway, District Amravati on 5/1/2015 in Summary Criminal Case No. 269 of 2007 for the offence punishable under Section 138 of Negotiable Instruments Act and confirmed by the Additional Sessions Judge, Amravati on 15/2/2020 in Criminal Appeal No. 24/2015 is hereby suspended during the pendency of the present Criminal Revision.
- (C) The Applicant shall be released on bail by executing fresh bond in the sum of Rs.15,000/- in the trial court.
- (D) The learned Judge before whom the bail bond will be executed shall ensure that before execution of the bail bond, the entire fine amount is deposited by the Applicant.

(E) The Applicant shall personally remain present before this Court at the time of final hearing of the present Revision.

5. The Criminal Application stands disposed of accordingly.

CRIMINAL APPLICATION NO. 64 OF 2020

. By this Application, Applicant seeks exemption in filing certified copy of Judgment dated 5/1/2015 passed by the learned Judicial Magistrate First Class, Chandur Railway.

2. For the reason stated in the Application and in the interest of justice, Application is allowed in terms of prayer clause therein.

3. Criminal Application stands disposed of accordingly.

CRIMINAL APPLICATION NO. 67 OF 2020

. By this Application, Applicant seeks time to file certified copies of depositions.

2. The learned Counsel for Applicant undertakes to file the same during the course of the day. Since the statement is made by way of undertaking, same is accepted.

3. In view thereof, Criminal Application stands disposed of accordingly.

(MRS. SWAPNA JOSHI, J.)

Yadav VG