

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

77 CRIMINAL APPLICATION NO. 2284 OF 2021
IN CRIMINAL REVISION APPLICATION NO.123 OF 2021

MANIK VITHALRAO KATMANDE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for the Applicant : Mr. S. L. Bhapkar
APP for the Respondent – State : Mr. S. D. Ghayal
...

CORAM : PRAKASH D. NAIK, J.

DATE : 04th OCTOBER, 2021

PER COURT :-

1. This is an application for suspension of sentence pending Criminal Revision Application No. 123 of 2021 challenging the judgment and order dated 28th January, 2016 passed by the learned Judicial Magistrate First Class (Court No.2), Osmanabad convicting the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act and sentencing him to suffer simple imprisonment for 30 days. The conviction is confirmed by judgment and order dated 21st September, 2021 passed by the Sessions Judge, Osmanabad dismissing appeal preferred by the applicant.

2. Learned counsel for the applicant submits that the applicant is 75 year old person. It is submitted that applicant

wants to deposit amount of Rs. 75,000/- within four weeks from the date of release.

3. Learned counsel for the applicant also submitted that the sentence of imprisonment awarded by the trial Court is 30 days out of which the applicant had already undergone 14 days.

4. The impugned judgment convicting the applicant indicates that the applicant was also directed to pay compensation of Rs. 4,30,000/- (Four Lac Thirty Thousands only).

5. The revision application is admitted the notice has been issued to the complainant. However, considering the age of the applicant and the submissions made by the learned counsel for the applicant about the depositing amount presently till the next date of hearing sentence of imprisonment is suspended.

ORDER

1. Criminal Application No.2284 of 2021 is allowed.
2. The sentence of imprisonment awarded vide judgment and order dated 28.01.2016 passed by the learned Judicial Magistrate First Class (Court No.2), Osmanabad and confirmed

by the learned Sessions Judge, Osmanabad vide judgment and order dated 21.09.2021 is suspended till further orders. The applicant is directed to be released on bail on executing PR bond in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one or more sureties in the like amount.

3. The applicant is permitted to furnish provisional cash in the sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) for a period of four weeks.

4. The applicant is permitted to deposit Rs. 75,000/- within a period of four weeks from date of release.

5. Stand over to four weeks.

**(PRAKASH D. NAIK)
JUDGE**

shp/-