

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

974 CRIMINAL APPLICATION NO. 2313 OF 2021

BALWANT RAMA THORAT
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. P.P. More.
APP for Respondent No. 1 : Mr. V.M. Kagne.

CORAM : PRAKASH D. NAIK, J.
DATE : 05.10.2021.

Per Court :

1. This is an application for suspension of sentence of imprisonment awarded by the learned 4th Judicial Magistrate, First Class, Osmanabad, vide judgment and order dated 09.01.2017, convicting the applicant under Section 138 of the Negotiable Instrument Act, 1881, vide Section 255 (2) of the Code of Criminal Procedure and sentenced him to suffer simple imprisonment for three months and pay compensation of Rs. Two Lacs.

2. The appeal preferred by the applicant has been dismissed by the Court of learned Sessions Judge, Osmanabad, vide judgment and order dated 23.09.2021.

3. Learned Advocate for the applicant submitted that the applicant is 69 years old person. He is in custody from 23.09.2021. The applicant is a labourer. His financial position is weak. He finds difficult to deposit the amount of compensation. The applicant will deposit an amount of Rs. 25,000/- within one week from the date of his release.

4. The applicant has been convicted for the offences punishable under Section 138 of the N.I. Act. Notice has been issued to the complainant in Revision Application. Considering the age of the applicant and submissions of learned Advocate for applicant, sentence of imprisonment can be suspended till the further orders.

ORDER

i. The sentence of imprisonment awarded by the judgment and order dated 09.01.2017, which was confirmed by the learned Sessions Judge, Osmanabad, vide judgment and order dated 23.09.2021, is suspended till further orders.

ii. The applicant be released on bail on executing P.R. bond in

the sum of Rs. 20,000/- (Rupees twenty thousand) with one or more sureties in the like amount.

iii. The applicant is permitted to furnish provisional cash bail in the sum of Rs. 20,000/- for period of four weeks.

iv. Stand over to 30.11.2021.

(PRAKASH D. NAIK, J.)

S.P.C.