

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL I.A. NO. 838 OF 2021****IN****CRIMINAL REVISION APPLICATION NO. 71 OF 2021**

Laxman Devaba Bhattam

....Applicant.

Vs.

The State Of Maharashtra & Anr.

....Respondents.

Mr. Jayant Bardeskar for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 10th MARCH, 2021.****P.C.:-**

This is an Application for suspension of sentence and releasing the Applicant on bail.

2 Heard Mr. Bardeskar, learned Advocate for the Applicant and Smt. Ambekar, learned APP

3 The Applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and is sentenced to suffer simple imprisonment for 2 months and also directed to pay compensation of Rs.3,40,000/-, i.e. the cheque amount and additional compensation of Rs.1,00,000/- to the Complainant, in default of payment of compensation the Applicant to suffer simple imprisonment for one month by the learned 15th Judicial Magistrate, First Class, Kolhapur in S.C.C. No. 738 of 2016 by its Judgment and Order dated 8th May, 2018.

4 The Criminal Appeal No.100 of 2018 preferred by the Applicant has been partly allowed by the learned Additional Sessions Judge, Kolhapur, by its Judgment and Order dated 18th February, 2021.

5 The Appellate Court modified the Order of compensation passed by the Trial Court and altered it and fixed it at Rs.3,40,000/-, in default of payment of compensation, the Applicant to further suffer simple imprisonment for one month.

6 Learned counsel for the Applicant submitted that, during the pendency of the Trial so also pending the Appeal, the Applicant was released on bail and there is no report of breach of any conditions imposed upon him. He further submitted that, the Applicant has deposited Rs.50 thousand in the Registry of the Appellate Court.

7 The sentence imposed upon the Applicant is a short term sentence and the possibility of hearing of the present Revision Application on its own merits in near future is remote, in view thereof, the substantive sentence imposed upon the Applicant can be suspended and he can be released on bail.

Hence the following Order:-

- a) During the pendency of the present Revision Application, the substantive sentence imposed upon the Applicant is suspended.
- b) During the pendency of the present Revision

Application, the Applicant be released in S.C.C. No. 738 of 2016 on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

- c) The Applicant is directed to deposit further sum of Rs.1,20,000/- to make up 50% of the total compensation in the Registry of the Appellate Court within a period of 2 weeks from today.
- d) The direction to deposit additional compensation of Rs.1,20,000/- in the Registry of the Appellate Court within the stipulated period is a condition precedent to release the Applicant on bail.
- e) If the Applicant fails to deposit the said amount within stipulated period, the present Order granting suspension of sentence and releasing the Applicant on bail shall stand automatically removed without further reference to the Court,

In that event , the Complainant is at liberty to execute Order dated 18th February, 2021 passed by the Appellate Court.

- f) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)