

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1149 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 99 OF 2021

Vishnu Vishram Gavade

... Applicant

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr.Aditya Raktade for Applicant.

Mrs.Rutuja Ambekar, A.P.P. for Respondent No.1-State.

CORAM : A.S. GADKARI, J.

DATE : 30th March 2021.

PC. :

This is an application for suspension of sentence and releasing the applicant on bail.

2. The applicant is convicted under Section 138 of the Negotiable Instruments Act and is sentenced to undergo maximum simple imprisonment of three months and to pay a fine of Rs.2,50,000/-, in default of payment of fine to further suffer simple imprisonment for one month by the learned Judicial Magistrate First Class, Panhala, in S.C.C. No.392 of 2010 by its Judgment and Order dated 19th March 2018.

Criminal Appeal No.74 of 2018 preferred by the applicant has been dismissed by the learned Additional Sessions Judge-1, Kolhapur by its

Judgment and Order dated 16th January 2021.

3. Learned counsel for the applicant submitted that, during the pendency of the appeal, the applicant has deposited a sum of Rs.1,49,000/- in the Registry of the Appellate Court. He submitted that, the applicant was on bail throughout the trial, so also in appeal and there is no report of breach of any of the conditions.

4. The sentence imposed upon the applicant is a short term sentence. The possibility of hearing the present Revision on its own merits in near future is remote.

5. In view thereof, the sentence imposed upon the applicant can be suspended and he can be released on bail, subject to condition that, he shall deposit an additional amount of Rs.50,000/- in the Registry of the Appellate Court within a period of three weeks from today.

6. Hence, following order :-

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the Applicant is suspended.
- (ii) The Applicant be released on bail in S.C.C. No.392 of 2010 on his furnishing P.R. bond of Rs.10,000/- with one or two local sureties in the like amount.
- (iii) The Applicant shall deposit an additional sum of Rs.50,000/- in the Registry of the Appellate Court within a period of three weeks from today. If the

applicant fails to deposit the said additional amount within stipulated period, the present Order suspending the substantive sentence and releasing him on bail shall, stand automatically revoked without further reference to this Court and in that event, the respondent No.2 will be at liberty to execute the Order of sentence imposed upon the applicant by the Trial Court.

7. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]