

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 1203 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 113 OF 2021

Yuvraj Lahu Patil ... Applicant
V/s.
The State of Maharashtra and Anr. ... Respondents

Mr. Aditya S. Raktate for Applicant.
Mr. Sooraj Hulke, A.P.P. for Respondent No.1-State.
Mr. K. K. Jadhav for Respondent No.2.

CORAM : A.S. GADKARI, J.
DATE : 28th April 2021.
(Through Video Conferencing)

PC. :

1. This is an application for suspension of sentence and releasing the Applicant on bail.
2. Applicant has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and is sentenced to suffer simple imprisonment for five months and to pay compensation of Rs.4,00,000/- (Rupees Four Lakhs Only) to the Respondent No.2, in default of payment of compensation to further suffer simple imprisonment for six months, by the learned Judicial Magistrate First Class, Court No.10, Kolhapur in Summary Criminal Case No. 1747 of

2007, by its Judgment and Order dated 6th June 2008.

Criminal Appeal No.129 of 2008 preferred by the Applicant has been dismissed by the learned Sessions Judge, Kolhapur, by its Judgment and Order dated 26th March 2021.

3. Mr.Raktate, learned counsel for the Applicant submitted that, the Applicant was on bail during the pendency of trial so also in Appeal and there is no report of breach of any of the conditions imposed upon him. He submitted that, on the date of pronouncement of the Judgment and Order by the Appellate Court i.e. on 26th March 2021, the Applicant has been taken into custody for undergoing sentence. He further submitted that, in view of the deliberation which took place in Court on earlier occasion, the Applicant has already paid a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) by RTGS transfer into the account of Respondent No.2, yesterday i.e. on 27th April 2021. He produced on record a photocopy of the said transfer of funds receipt. He further, on instructions, submitted that, the parties herein are trying to settle the matter amicably and the 'Consent Terms' will be submitted immediately after reopening of the Court or after resumption of smooth functioning of Court.

4. The sentence imposed upon the Applicant is a short term sentence. The possibility of hearing the present Revision Application on its own merits in near future is remote. In view thereof and the facts recorded

hereinabove, the sentence imposed upon the Applicant can be suspended and he can be released on bail.

5. Hence, the following Order :-

- (i) During the pendency of the present Revision Application, the substantive sentence imposed upon the Applicant is suspended.
- (ii) Applicant be released on bail in Summary Criminal Case No. 1747 of 2007 on his furnishing cash bail of Rs.10,000/- with P.R. bond of the same amount.

6. Application is allowed in the aforesaid terms.

7. All the concerned to act on the basis of the authenticated copy of this Order.

[A.S. GADKARI, J.]