

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL INTERIM APPLICATION NO.1591 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.134 OF 2021**

Vijay Shripati Patil	...Applicant
V/s.	
Pramod Shivram Meshram & Anr.	...Respondents

Mr. Anand Patil, Advocate for Applicant.
Smt. Rutuja Ambekar, APP for Respondent No.2 (State).

CORAM : A. S. GADKARI, J.
DATE : 21st JUNE 2021.
(Through Video Conferencing)

P.C.:

1. This is an Application for suspensions of sentence and releasing the Applicant on Bail.
2. The Applicant has been convicted for an offence punishable under Section 138 of Negotiable Instruments Act, 1881 and is sentenced to suffer rigorous imprisonment for a period of three months and is further directed to pay a compensation of Rs.6,50,000/-, as contemplated under Section 357(3) of the Code of Criminal Procedure, 1973, in default of payment to further undergo simple imprisonment for 21 days, by the learned Judicial Magistrate, First Class, Rajapur, District Ratnagiri in Summary Criminal Case No.264 of 2008 by its Judgment and Order dated

26th March 2013.

The Criminal Appeal No.26 of 2013, preferred by the Applicant has been dismissed by the learned Sessions Judge, Ratnagiri, by its Judgment and Order dated 28th January 2021.

3. Mr. Patil, learned counsel for the Applicant submitted that, during the pendency of the trial so also the Appeal, the Applicant was released on bail and there is no report of breach of any of the conditions imposed upon him. He, further on instructions submitted that, the Applicant has deposited certain amount during the pendency of the Appeal, however, his client is unable to tell him exact amount. As per his instructions, the Applicant has deposited approximately Rs.75,000/- to Rs.1,00,000/- in the Registry of the Appellate Court during the pendency of the Appeal.

4. 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 sentence imposed upon the Applicant can be suspended and he can be released on bail, subject to an additional condition that, the Applicant will deposit an additional sum of Rs.3,00,000/- in the Registry of the Appellate Court within a period of three weeks from today.

5. Hence the following order:-

- (a) During the pendency of the Revision Application, the substantive sentence imposed upon the Applicant is hereby suspended.
- (b) During the pendency of the Revision Application, the Applicant be released on bail on his furnishing PR bond of Rs.15,000/- with one or two solvent local sureties in the like amount.
- (c) The Applicant is permitted to furnish cash bail for a period of sixteen weeks and during the said period, the Applicant is directed to comply with the condition of submitting solvent sureties.
- (d) As noted above, the Applicant is directed to deposit an additional sum of Rs.3,00,000/- within a period of three weeks from today.

If the Applicant deposits the aforesaid additional amount of Rs.3,00,000/-, in that event, the conviction warrant issued in pursuance of Order dated 28th January 2021, passed by the Appellate Court is kept in abeyance for a period of three weeks from today.

- (e) If the Applicant deposits the said amount of Rs.3,00,000/- within the stipulated period, the conviction warrant issued by the Trial Court in pursuance of Order dated 28th January 2021, will remain stayed during the pendency of the present Revision.
- (f) If Applicant fails to deposit the said amount of Rs.3,00,000/- within stipulated period, the stay granted to the execution of conviction warrant shall stand automatically vacated without further reference to this Court and in that event, the Trial Court will be at liberty to execute the said conviction warrant as per the directions issued by the Appellate Court by its impugned Order.
- (g) Application is allowed in the aforesaid terms.

(A. S. GADKARI, J.)