

Tauseef

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.736 OF 2021
WITH
INTERIM APPLICATION NO.737 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.56 OF 2021**

Pradip Vasant Oswal	...Applicant
V/S.	
State of Maharashtra & Anr.	...Respondents

Mr. Rajesh Singh a/w. Ms. Priti R. Mahajan & Mr. Santosh Patil for Applicant.
Smt. Rutuja Ambekar, APP for State – Respondent.

**CORAM : A. S. GADKARI, J.
DATE : 1st MARCH, 2021.**

P.C. :

1. These are Applications 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, vide Section 255(2) of Code of Criminal Procedure, 1973 and is sentenced to suffer simple imprisonment for a period of three months and is further directed to pay a compensation of Rs.30,50,000/-, in default of payment of compensation to further suffer simple imprisonment for 30 days by the learned Additional 4th, Judicial Magistrate, F.C. Vadgaon Maval, Pune in Summary Criminal Case No.723 of 2014, by its Judgment and Order dated 17th

February 2017.

3. The record indicates that, during the pendency of the Appeal, the Applicant and Respondent No.2 had entered into consent terms. It appears that, in furtherance of consent terms, the Applicant deposited a total amount of Rs.20,35,000/- in the Registry of the Appellate Court. The Appellate Court in its impugned Judgment and Order dated 11th February 2021, while dismissing the said Appeal, in para No.3 of the operative part of the order has observed the same. After dismissal of the Appeal, the Applicant has been taken into custody for undergoing sentence.

4. Mr. Singh, learned Counsel for the Applicant submitted that, in pursuance of consent terms dated 17th December 2018, the Applicant as on today has deposited a total sum of Rs.22,18,193/- in the Registry of the Appellate Court. According to him, as on today an amount of Rs.7,81,807/- is due and payable by the Applicant to Respondent No.2. He further on instructions submitted that, the Applicant will deposit a sum of Rs.5,00,000/- in the Registry of the Appellate Court within a period of two weeks from today and in any case before the Applicant is actually released from Jail. The said statement is accepted.

5. The sentence imposed upon the Applicant is a short term sentence. The possibility of hearing the present Appeal on its own merits in near future is remote. In view there of, the sentence imposed

upon the Applicant can be suspended and he can be released on bail.

6. 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.10,000/- with one or two solvent local sureties in the like amount.
- (c) It is made clear that, before his actual release from jail, the Applicant shall deposit an additional amount of Rs.5 lakhs in the Registry of the Appellate Court. In other words, deposit of additional sum of Rs.5 lakhs is a condition precedent for releasing the Applicant from Jail.
- (d) Both the Applications are allowed in the aforesaid terms.

(A. S. GADKARI, J.)