

Tandale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL INTERIM APPLICATION NO.1005 OF 2021

IN

CRIMINAL REVISION APPLICATION NO. 81 OF 2021

Kisan Shankar Kamble

.... Applicant.

Vs.

Audyogik Vikas Nagari Sahakari
Patsanstha and Anr.

.... Respondents.

Mr. Rushikesh Patil for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent No.2-State.

CORAM : A. S. GADKARI, J.

DATE : 19th MARCH, 2021.

PC.:-

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

2. The applicant has been convicted under Section 138 of the Negotiable Instruments Act, 1881 and is sentenced to suffer two months of simple imprisonment and to pay compensation of Rs.1,97,777/-, in default of payment of compensation to further undergo simple imprisonment for one month, by the learned Judicial Magistrate First Class, Pimpri, Pune in Summary Criminal Case No. 251 of 2008, by its Judgment and Order dated 28th October 2015.

Criminal Appeal No.589 of 2015 preferred by the applicant has

been dismissed by the learned Additional Sessions Judge, Pune by its Judgment and Order dated 4th March 2021.

3. Mr. Patil, learned counsel for the applicant submitted that, the applicant has deposited a sum of Rs.30,000/- in the Registry of the Trial Court, during the pendency of the Appeal. He further submitted that, during the pendency of the trial so also in Appeal, the applicant was released on bail 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 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 the applicant can be released on bail subject to condition that, the applicant shall deposit an additional sum of Rs.1 lakh in the Registry of the Appellate Court within a period of three weeks from today.

5. Hence, the following Order :-

- (i) During the pendency of the present Criminal Revision Application, the substantive sentence imposed upon the applicant is suspended.
- (ii) Applicant be released on bail in Summary Criminal Case No.251 of 2008 on his furnishing P.R. bond of Rs.10,000/- with one or two local sureties in the like amount.
- (iii) Applicant shall deposit an additional sum of Rs.1 lakh in the Registry of the Appellate Court within a period of

three weeks from today

- iv) It is made clear that, if the applicant fails to deposit the additional amount of Rs.1 lakh within stipulated period in the Registry of the Appellate Court, the present Order of suspending the sentence and releasing applicant on bail shall stand automatically revoked without further reference to this Court and the applicant will have to surrender before the Trial Court for undergoing sentence.

6. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)