

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL I.A. NO. 1192 OF 2021

IN

CRIMINAL REVISION APPLICATION NO.110 OF 2021

Abhay Vasant Lele

....Applicant.

Vs.

Arun Vishnu Naik And Anr.

....Respondents.

Mr. B.G. Tangsali i/by R.D. Suryawanshi for the Applicant.

Smt. Rutuja Ambekar, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 5th APRIL, 2021.

P.C.:-

Leave to amend prayer clause. Amendment be carried out forthwith.

2 This is an Application for suspension of sentence and releasing the Applicant on bail.

3 The Applicant has been convicted under Section 138 of the Negotiable Instruments Act, 1881 (for short, "*the N.I. Act*") and is sentenced to suffer simple imprisonment for 30 days and to pay compensation of Rs.1,50,000/- to the Complainant, in default of payment of compensation to further suffer simple imprisonment for 30 days by the learned 6th Judicial Magistrate, First Class, Ratnagiri, District Ratnagiri in S.C.C. No.391 of 2016 by its Judgment and Order dated 23rd October, 2019.

The Criminal Appeal No.32 of 2019 preferred by the Applicant has been dismissed by the learned Sessions Judge, Ratnagiri in by its Judgment and Order dated 24th March, 2021.

4 Mr. Tangsali, learned Advocate for the Applicant submitted that, during the pendency of the Appeal, the Applicant has already deposited a sum of Rs.40,000/- in the Registry of the Trial Court. He further submitted that, on the date of pronouncement of impugned Judgment and Order by the Appellate Court i.e. on 24th March, 2021, the Applicant has been taken into custody for undergoing sentence. He further on instructions, submitted that, the Applicant will deposit the balance amount of compensation of Rs.1,10,000/- in the Registry of the Appellate Court within a period of two weeks from today. The said statement is accepted as undertaking given to this Court.

5 The sentence imposed upon the Applicant is a short term sentence and the possibility of hearing of the present Appeal 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.

6 Hence the following Order:-

- a) During the pendency of the present Appeal, the substantive sentence imposed upon the Applicant is suspended.
- b) Applicant be released on bail in S.C.C. No.391 of 2016

on his furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount.

- c) If the Applicant fails to deposit the said additional amount of Rs.1,10,000/- compensation within the stipulated period mentioned hereinabove, this Order of suspension of sentence and releasing the Applicant on bail, shall stand automatically revoked without further reference to this Court and in that event, the Original Complainant will be at liberty to file Execution proceedings before the Trial Court.
- d) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)