

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1538 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 131 OF 2021

Kumkum Rajesh Adhikari	... Applicant
V/s.	
The State of Maharashtra & Anr.	... Respondents

Mr.Vikas Shivarkar for Applicant.
Smt.Rutuja Ambekar, A.P.P for Respondent No.1-State.

CORAM : A.S. GADKARI, J.
DATE : 14th June 2021.
(Through Video Conferencing)

P.C. :

1. This is an application for suspension of sentence and releasing the Applicant on bail.
2. The applicant is convicted under Section 138 of The Negotiable Instruments Act and is sentenced to suffer simple imprisonment for a term of one month with a fine of Rs.2,10,000/-, in default of payment of fine to further suffer simple imprisonment for 15 days by the learned 4th Jt. Judicial Magistrate First Class, Pimpri, Pune, in Summary Criminal Case No. 1160 of 2012 by its Judgment and Order dated 23rd November 2017.

The Criminal Appeal No. 631 of 2017 preferred by the Applicant has been dismissed by the learned Additional Sessions Judge, Pune by its Judgment and Order dated 6th March 2021.

3. Mr. Shivarkar, learned counsel for the Applicant submitted that, during the pendency of the trial so also in appeal, the Applicant was on bail. He further submitted that, out of the total fine amount of Rs.2,10,000/-, the Applicant has deposited a sum of Rs.1,10,000/- in the Registry of the Appellate Court during the pendency of the appeal. He submitted that, the Applicant is ready and willing to deposit the balance amount of Rs.1,00,000/- in the Registry of the Appellate Court within a period of two weeks from today. The said statement is accepted.

4. The sentence imposed upon the Applicant is a short term sentence. The possibility of hearing the present Revision 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 additional condition that, the Applicant shall deposit the balance fine amount of Rs.1,00,000/- in the Registry of the Appellate Court within a period of two weeks from today.

5. Hence, following order :-

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the Applicant is

suspended.

- (ii) Applicant be released on bail in Summary Criminal Case No. 1160 of 2012 on his furnishing P.R. bond of Rs.10,000/- with one or two local sureties in the like amount.
- (iii) For a period of 16 weeks from today, the Applicant is permitted to furnish cash bail and during the said period of 16 weeks, the Applicant will comply with the condition of furnishing sureties.
- (iv) Applicant is directed to deposit balance fine amount of Rs.1,00,000/- in the Registry of the Appellate Court within a period of two weeks from today.

6. Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]