

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Interim Application No. 2526 / 2021
in
Criminal Revision Application No. 188 / 2021

Sunil Shivdasrao Mudgade .. **Applicant**

Versus.

The State of Maharashtra and Anr. .. **Respondents**

Mr. Vaibhav V. Ugle a/w Mr. Yogesh Birajdar and Mr.
Vikas Somawanshi, Advocate for the Applicant.

Mr. Y.M. Nakhawa, APP for State.

CORAM : SANDEEP K. SHINDE J.

DATE : 14th OCTOBER, 2021.

P.C. : -

1. Conviction of the Applicant (Accused) in S.C.C. No.14395/2016 under Section 138 of the Negotiable Instruments Act, and sentence to pay fine amount and S.I. for five months, has been confirmed in Criminal Appeal No. 179/2017 on 8th October, 2021 by the Additional Sessions Judge, Pune. Feeling aggrieved

by the conviction and sentence, the Accused has preferred this Revision.

2. Learned Counsel for the Applicant, on instructions, submits that Applicant had deposited Rs. 2,000,00/- in the Court of Sessions at Pune as against the fine of Rs. 4,25,000/- imposed by the learned Judicial Magistrate First Class in S.C.C. No.14395/2016. On instructions, it is further submitted that balance amount of fine Rs.2,25,000/- will be deposited in the Registry of this Court within two weeks from today. Statement is accepted as Undertaking to this Court.

3. Learned Counsel for the Applicant, on instructions, submits that the Applicant-Accused has no objection if Rs. 3,75,000/- (cheque amount) is permitted to be withdrawn by the Complainant, subject to condition as he shall bring back the money, if the Revision is allowed. Statement is accepted.

4. The Applicant has been taken into the custody on 8th October, 2021 to serve the sentence of five months. In consideration of the facts and in view of the Applicants' willingness to deposit the entire fine amount, I think it appropriate to suspend the sentence of imprisonment and release the applicant on bail on same terms and conditions, as he was granted in appeal. Bail to be furnished in the trial Court. Accordingly, the application is allowed in terms of prayer Clause - B of Interim Application No.2526/2021.

5. Issue notice to the Respondent returnable after three weeks i.e. 18th November, 2021.

(SANDEEP K. SHINDE, J.)

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