

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL REVISION NO.11/2021

Bhaurao s/o Uttamrao Mhala

..vs..

M/s.Sai Auto Agencies, thr. its Partner Dnyandeo Ramdas Rane

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri M.V.Rai, Counsel for the Applicant.

CORAM : V.M.DESHPANDE J.

DATED : JANUARY 25, 2021.

1. Heard learned counsel Shri M.V.Rai for the applicant.
2. Issue Notice before admission, returnable after four weeks.
3. Call record and proceedings in Summary Criminal Case No.6023/2006 together with Criminal Appeal No.145/2016 decided by learned Additional Sessions Judge, Amravati.

Criminal Application (APPR) No.25/2021

1. This is an application for suspension of substantive jail sentence and for grant of bail.
2. Heard learned counsel Shri M.V.Rai for the applicant.
3. The applicant was convicted by learned Judicial Magistrate First Class, Court No.1, Amravati on 22.9.2016 in Summary Criminal Case No.6023/2006 for offence punishable under Section 138 of the Negotiable Instruments Act and was

directed to suffer simple imprisonment for three months. The applicant was also directed to pay amount of compensation Rs.1,55,000/-. Feeling aggrieved by the said, the applicant filed an appeal bearing Criminal Appeal No.145/2016. Learned Additional Sessions Judge, Amravati vide judgment and order dated 16.1.2021 dismissed the appeal and the applicant is taken into custody.

4. From impugned orders it is clear that the applicant was on bail throughout. The applicant has stated in his application that he has already deposited Rs.62,000/- at the time of suspension of sentence before Court below. He has also filed a photocopy of receipt showing the said payment.

5. Since the applicant was on bail throughout and the quantum of sentence is only three months, I pass following order:

ORDER

(1) The criminal application is allowed.

(2) The substantive jail sentence imposed upon the applicant by learned Judicial Magistrate First Class, Court No.1, Amravati on 22.9.2016 in Summary Criminal Case No.6023/2006 for offence punishable under Section 138 of the Negotiable Instruments Act confirmed by learned Additional Sessions Judge, Amravati vide judgment and order dated 16.1.2021 in Criminal Appeal No.145/2016 shall stand suspended during the pendency of this revision.

(3) The applicant shall be released on bail on he executing a P.R.Bond in the sum of Rs.5000/- with one solvent surety of the like amount.

(4) The applicant shall remain present personally before this Court at the time of final hearing of the revision.

The criminal application stands disposed of accordingly.

JUDGE

!! BRW !!

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