

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL REVISION APPLICATION NO. 33 OF 2021

Natthuji Fakruji Hanskar

..vs..

Balchandra Chit Fund Pvt. Ltd., thr. Its P.O.A. Mr. Rajendra Ishwar Wadaskar

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

Court's or Judge's orders

Shri A.C. Jaltare, Advocate for Applicant.

CORAM : VINAY JOSHI, J.

DATED : 19/03/2021

Hearing was conducted through Video
Conferencing.

2. **Admit.**
3. Call for the Record and Proceedings.

CRIMINAL APPLICATION (APPR) NO.68 OF 2021

The Applicant/Accused who is convicted in Summary Criminal Case No.418 of 2016 by learned Chief Judicial Magistrate, Gadchiroli relating to the offence punishable under Section 138 of the Negotiable Instrument Act, 1881, seeks for suspension of the execution of sentence. Learned Chief Judicial Magistrate on conviction directed Accused to suffer simple imprisonment for six months and to pay compensation to the tune of Rs.75,000/- with default clause. Being aggrieved by said order Applicant/Accused filed Criminal Appeal No.17 of 2019, which came to be dismissed on merit by Additional Sessions Judge, Gadchiroli vide it's

order dated 25.02.2021. From the date of dismissal of appeal, the Applicant is in jail.

2. Learned Counsel for the Applicant would submit that, he is prepared to argue the matter finally. Moreover, he would submit that the Applicant is ready to deposit the entire compensation amount of Rs.75,000/- within one week. Already the Applicant is in jail for near-about one month and it will take some time to receive record and proceedings and to hear the Revision Application finally. If, during meantime, the Applicant is detained in jail then the purpose of Revision Application would be frustrated. The Applicant is having arguable case on merit.

3. In view of that following order is passed :

(a) Execution and implementation of substantive sentence imposed by learned Chief Judicial Magistrate, Gadchiroli in Summary Criminal Case No.418 of 2016 vide judgment and order dated 06.02.2019, stands suspended till final disposal of the Revision Application, on condition that the Applicant shall deposit entire fine amount before the Trial Court.

(b) On deposit of compensation amount, the Applicant/Accused namely Natthuji Fakruji Hanskar be released on bail on his executing P.R bond of Rs.15,000/- with one surety in the like amount.

(b) The Trial Court shall ensure deposit of

compensation amount before releasing the
Applicant/Accused from jail.

The Criminal Application stands disposed of.

JUDGE

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