

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.1684 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.165 OF 2022**

**SOMNATH CHANDRAKANT SATOTE
VERSUS
VITTHAL DHONDIBA DOKHADE**

...

Advocate for Applicants : Mr. Shaikh Mazhar A. Jahagirdar

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**CORAM : BHARAT P DESHPANDE, J.
DATE : 18th AUGUST 2022.**

Per Court :

1. This is an application filed against the judgment passed by the learned Magistrate, thereby convicting the Applicant for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 and sentenced to suffer Simple Imprisonment for six months and to pay compensation of Rs. 1,34,025/-.
2. The Applicant as well as the Original Complainant challenged the

said order passed by the learned Magistrate. The Applicant filed Criminal Appeal No.40/2019, whereas the Complainant filed Criminal Revision No.2/2020 for enhancement. The learned First Appellate Court vide its common judgment dated 05.04.2022 dismissed the appeal filed by the present Applicant, thereby maintaining the conviction.

3. The Revision filed by the Complainant was allowed and the compensation has been enhanced to Rs.2 Lakhs i.e. double amount of cheque and also granted interest and fine of Rs.10,000/-.

4. Learned Counsel for the Applicant submits that there is no provision of grant of interest while considering the aspect of compensation. He therefore submits that there is arguable points in the present Revision Application and till the same is decided, the judgment and conviction be suspended.

5. On perusal of the impugned order as well as grounds raised in the Revision, it shows that such grounds required consideration at the time

of admission and therefore till the decision of the Revision, substantive sentence awarded by the Courts below needs to be suspended. Hence the following order.

ORDER

(i) The substantive sentence of imprisonment awarded by the Courts below is hereby suspended till the disposal of the Revision Application.

(ii) The Applicant shall be released on executing Personal Bond for the sum of Rs.10,000/- with one or two sureties in the like amount.

(iii) The suspension of the sentence is subject to deposit of Rs.45000/- by the Applicant in this Court within a period of three weeks from today.

6. In view of this, the Criminal Application is disposed of accordingly.

[BHARAT P DESHPANDE, J.]

Najeeb.