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

**948 CRIMINAL REVISION APPLICATION NO.168 OF 2022
WITH APPLN/2216/2022 IN REVN/168/2022**

**MARUTI UTTAM RAJGURU
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

Mr S.G. Chapalgaonkar, Advocate for applicant;
Mrs. V.S. Choudhari, A.P.P. for respondent no.1

CORAM : S. G. MEHARE, J.

DATE : 12th July, 2022

PC.

1. Heard the learned Counsel for the applicant. The learned Counsel would submit that the applicant has been convicted by the learned Trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer S.I. for three months and to pay the compensation of Rs.2,05,000/-. The learned Sessions Court has also confirmed the judgment of conviction passed by the Trial Court. However, the applicant has deposited 20% of the amount of compensation with the learned Sessions Court. That amount is still lying with the Sessions Court.

2. The learned Counsel for the applicant also argued that the applicant has a good case on merit. The defence of the applicant has

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not been properly considered by both the Courts below. There are arguable points in the revision.

3. It appears that the amount of Rs.41,000/- has already been deposited by the applicant with the learned Sessions Court. The applicant appears to have an arguable case; hence, entitled for the relief of suspension of substantive sentence. Hence, the following order:-

- i) The substantive sentence imposed against the applicant shall stand suspended.
- ii) The applicant be released on bail on executing P.B. and S.B. of Rs.15,000/- with one solvent surety of the like amount.
- iii) Bail before learned Sessions Court.
- iv) Issue notice to the respondents, returnable on 3.8.2022.
- v) Learned A.P.P. waives service of notice on behalf of respondent no.1.
- vi) Call R & P.

(S. G. MEHARE, J.)

amj