

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

**CRIMINAL APPLICATION NO. 2626 OF 2022
IN REVN/235/2022**

**KANCHAN W/O. GORAKH CHANDAN
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

. . .
Advocate for Applicants : Mr. Sandip Ramnath Andhale
APP for Respondent – State : Mrs. G. L. Deshpande
. . .

CORAM : BHARAT P. DESHPANDE, J.

DATED : 19th AUGUST 2022

PER COURT :

This is an application for suspension of sentence and grant of bail.

2. Heard Mr. Andhale, learned counsel for applicant and Mrs. Deshpande, learned APP for respondent-State.

3. The applicant was found guilty by the learned Magistrate in S.C.C. No. 1755 of 2018 and convicted under section 138 of the Negotiable Instruments Act, 1881.

4. The said Judgment was challenged before the first Appellate Court in Criminal Appeal No. 190 of 2019. The said appeal was dismissed vide order dated 5th May 2022.

5. Learned counsel for applicant submits that the learned First Appellate Court did not give any opportunity to the applicant to argue the matter on merit, though she was ready and willing to pay part amount.

6. Considering the fact that the applicant was on bail and the amount of cheque is only Rs.1,00,000/- (Rupees One lakh Only), out of which, an amount of Rs.45,000/- is already paid, the sentence awarded by the courts below would be suspended on condition that the applicant depositing Rs.25,000/- with this Court within a period of four weeks from today. Hence the order :-

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence awarded by the courts below stands suspended till the disposal of present Criminal Revision Application.
- (iii) The applicant shall be released on bail on furnishing PR bond of Rs.10,000/- with one solvent surety in the like amount.
- (iv) The above suspension is on condition that the applicant shall deposit Rs.25,000/- with this court within a period of four weeks from today.
- (v) The Criminal Application stands disposed off.

(BHARAT P. DESHPANDE, J.)