

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

**CRIMINAL APPLICATION NO. 2863 OF 2022
IN REVN/255/2022**

**YELLAPPA AMGONDA KENGAR
VERSUS
NANASAHEB CHANGANRAO JADHAV**

...
Advocate for Applicant : Mr. Rohit P. Patwardhan

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CORAM : BHARAT P. DESHPANDE, J.

DATED : 30th AUGUST 2022

PER COURT :

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

2. Heard learned counsel for the applicant.

3. By way of present revision application, the applicant is challenging the judgment and conviction passed by the learned Magistrate at Aurangabad in S.C.C. No. 5672 of 2012, dated 15th January 2019, whereby he was found guilty for the offence punishable under section 138 of Negotiable Instruments Act, 1881 and sentenced to suffer rigorous imprisonment for six months and to pay compensation of Rs.6,00,000/- (Rupees Six Lakhs Only), and in default of payment of compensation, to suffer further simple imprisonment for three months.

4. Applicant challenged the said judgment and conviction vide Criminal Appeal No. 18 of 2019. The learned Sessions Court at Aurangabad

vide its judgment and order dated 12th July 2022 partly allowed the said appeal. The conviction under section 138 of the Negotiable Instruments Act, 1881 is confirmed. However, sentence of imprisonment is modified to suffer simple imprisonment till rising of the Court and the compensation awarded by the Magistrate is maintained.

5. Learned counsel for applicant submits that applicant is ready and willing to deposit Rs.1,00,000/- (Rupees One Lakh Only) with this Court within three weeks. He submits that arguable grounds raised in the revision application.

6. Considering the submissions and the fact that the applicant was on bail during trial proceedings, the application needs to be allowed. Hence the order :

ORDER

- (i) Criminal application stands allowed.
- (ii) The substantive sentence awarded against the applicant stands suspended till final decision of criminal revision application, subject to deposit of Rs.1,00,000/- with this court within a period of three weeks from today.
- (iii) The applicant shall be released on bail on furnishing P.R. bond of Rs.15,000/- with one solvent surety in the like amount to the satisfaction of the learned Magistrate
- (iv) Criminal application stands disposed of.

(BHARAT P. DESHPANDE, J.)