

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 2497 OF 2022

Mr. Datta Dnyaneshwar Rokade ... Petitioner

Versus

Mr. Shivputra Ganpati Wale & Anr. Respondents

....

Mr. Vikas Shivarkar, Advocate for the Petitioner.

Mr. Arfan Sait, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 22nd July 2022

PC :

1. Not on board. Taken on board.
2. The petitioner is convicted for the offence punishable under Section 138 of Negotiable Instruments Act vide judgment and order dated 19.11.2019 passed by Learned Judicial Magistrate, First Class, Pimpri, Pune and sentenced to suffer imprisonment for three months and to pay compensation of Rs. 3,00,000/-. The judgment of the trial Court was challenged before the Sessions Court at Pune by preferring appeal. The petitioner also preferred appeal for suspension of sentence and grant of bail. The petitioner had preferred application for condonation of delay. The application for suspension of sentence and grant of bail was

allowed on conditions that the petitioner shall deposit 40% compensation amount.

3. Learned advocate submitted that the petitioner has deposited amount of Rs. 1,20,000/- and complied the condition imposed by vide order dated 31.12.2019. He relied upon receipt of deposit of amount made before District Court. It is submitted the record indicates deposit was shown in Miscellaneous Application for condonation of delay. The complainant moved the application for issuance of non bailable warrant. Learned Sessions Judge issued conviction warrant by order dated 18.11.2021 which has been executed and the petitioner has been taken in custody on 23.06.2022.

4. In the aforesaid circumstances, order of suspension of sentence and grant of bail passed by Sessions Court vide order dated 31.12.2019 is restored by setting aside the order dated 18.11.2021 and the petitioner is directed to be released on same bail and same bond .

5. Petition stands disposed of.

(PRAKASH D. NAIK, J.)