

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.446 OF 2022

Shankar Sakharam Biraje	...Applicant
V/s.	
State of Maharashtra	...Respondent

WITH
INTERIM APPLICATION NO.4327 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.446 OF 2022

Mr. Aditya S. Raktade for Applicant.

Mr. A. R. Patil, APP for Respondent (State).

CORAM : AMIT BORKAR, J.
DATE : DECEMBER 21, 2022

P.C.:

1. The applicant is an accused in prosecution under Section 138 of the Negotiable Instruments Act, 1881, who has been convicted and sentenced to undergo imprisonment for a period of six (6) months. The learned Magistrate has further directed to the petitioner to pay compensation of Rs.12,77,500/-. Till against the said judgment has been dismissed by interim judgment and order dated 15th November 2022.

2. The applicant has, therefore, filed present Criminal Revision Application.

3. Having considered the submissions made on behalf of applicant and the scheme of section 138 of the Negotiable

Instruments Act, 1881, at this stage, the applicant is entitle for protection in the form of suspension of sentence on following conditions: -

- (i). The sentence imposed by the learned Judicial Magistrate, First Class, Chandgad in SCC No.202 of 2015 dated 3rd November 2018, confirmed by the learned Additional Sessions Judge, District Kolhapur in Criminal Appeal No.21 of 2018 is suspended, subject to payment of amount of Rs.4,38,750/- as the applicant has already deposited Rs.2,00,000/- before the lower court.
- (ii). The applicant is release on bail on furnishing cash security of Rs.10,000/-.
- (iii). The applicant shall furnish PR bond of Rs.10,000/- with one surety to the like amount within four (4) weeks from today.
- (iv). It is made clear that the if applicant fails to deposit amount of Rs.4,38,750/- within six (6) weeks from today, the order of suspension of sentence shall stand recalled without further reference to the Court.

(AMIT BORKAR, J.)

(The order is modified as per order dated 9th February 2023. Paragraph nos.4 and 5 are deleted)