

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION [APPR] NO.343 OF 2022

[M/s. Holum Iron & Steel Company Limited .vs. Maharashtra Small Scale Industries Development Corporation,
Nagpur]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.S. Sohoni, Advocate for the applicant.

CORAM : SMT. M.S. JAWALKAR, J.

DATED : 30/09/2022.

The applicant is surrendering himself before this Court. Present application is filed by the applicant for suspension of sentence and grant of bail.

2. The present application is filed being aggrieved by the judgment and order dated 19.09.2022 passed by the learned Additional Sessions Judge-12, Nagpur in Criminal Appeal No.173/2019 upholding the judgment and order dated 06.05.2019 passed by the learned 15th Judicial Magistrate, First Class (Special Court for 138 of N.I. Act) Nagpur in Summary Criminal Case No.1747/2005, whereby the applicant was convicted for the offence punishable under Section 138 of the Negotiable Instrument Act and was sentenced to suffer simple imprisonment for four months and further it was directed to pay compensation of Rs.9,00,000/- in-default of payment of compensation to suffer simple imprisonment of five months.

3. The learned counsel for the applicant submitted that the applicant has already deposited Rs.1,80,000/-, receipt thereof is annexed with the application. It is submitted that though the applicant was directed to surrender before the learned trial court within seven days and though the matter was decided on 19.09.2022

and the impugned judgment and order was not uploaded on the official website till 27.09.2022. As such he could not surrender within seven days.

4. The applicant was on bail before the trial court as well as the appellate court and has regularly attending the matter. As hearing of this revision would not be possible considering the pendency of the revisions in near future, it would be appropriate to suspend the substantive sentence of conviction passed by both the court below. Hence, I pass the following order :

ORDER

(i) The execution of substantive sentence awarded in judgment and order dated 06.05.2019 in Summary Criminal Case No.1747/2005 passed by the learned 15th Judicial Magistrate, First Class (Special Court for 138 of N.I. Act) Nagpur and the judgment and order dated 19.09.2022 passed by the learned Additional Sessions Judge-12, Nagpur in Criminal Appeal No.173/2019 is hereby suspended. The sentence awarding compensation is stayed subject to deposit of ten percent of compensation in addition to what already paid, within six weeks, in this Court.

(ii) Applicant be released on bail on his furnishing P.R. Bond in the sum of Rs.20,000/- and one surety in the like amount to the satisfaction of the appellate court, within one week.

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Issue notice to the respondent, returnable within three weeks.