

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

945 CRIMINAL REVISION APPLICATION NO.25 OF 2023
WITH APPLN/470/2023 IN REVN/25/2023

REVAN BASAVARAJ PATRE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Suryawanshi Govind G.
APP for Respondent-State : Mr. S. P. Deshmukh.
Advocate for Respondent No.2 : Mr. Warmaa Bharatkumar
Ramdeo.

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CORAM : S. G. MEHARE, J.
DATE : 21.04.2023

PER COURT :-

In Criminal Application No.470 of 2023.

1. Heard the respective learned counsels.
2. The applicant was convicted under Section 138 of the N.I. Act and sentenced to suffer S.I. for one (1) month.
3. Learned counsel for the applicant states that the applicant has now surrendered and deposited the entire amount of the compensation of Rs.1,00,000/- as per the order of the learned 2nd Judicial Magistrate First Class. He has placed the copies of the receipts of deposit. Those are taken on record and made part of the record.

4. Learned counsel for the complainant opposed the application. He would submit that the applicant withhold the amount since 2007 and did not pay single penny. He has no good case on merit. Therefore, suspension of sentence would not be given.

5. Perused the facts of the case and the impugned orders and judgments. The Court is of the view that the sentence may be suspended. Hence, the following order :

ORDER

- (i) Criminal Application is allowed.
- (ii) The execution of the sentence to suffer S.I. for one month of the learned 2nd Judicial Magistrate First Class, Nanded in SCC.No.1262 of 2007, dated 14.01.2016 and confirmed by the learned Additional Sessions Judge, Nanded in Criminal Appeal No.14 of 2016, dated 03.01.2023 is suspended till the conclusion of the Criminal Revision Application.
- (iii) The applicant be released on bail on executing P.B. and S.B. of Rs.50,000/- with one solvent surety of the like amount.
- (iv) Bail before the learned Additional Sessions Judge, Nanded.

- (v) The complainant is entitled to withdraw the entire amount with interest, wherever the applicant has deposited, on the undertaking that he would return the money within two weeks, if the judgment is reversed by this Court.
- (vi) List the Criminal Revision Application on 03.07.2023.

(S. G. MEHARE, J.)

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vmk/-