

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

**CRIMINAL APPLICATION NO. 1486 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 96 OF 2023**

**VISHAL S/O PANDURANG MULEY
VERSUS
GOVARDHAN S/O EKNATH LAGHANE AND ANOTHER**

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Mr. R. P. Mote, Advocate for applicant
Mr. S. S. Barahate, Advocate for respondent No.1
Mr. S. B. Yawalkar, APP for respondent No.2

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**CORAM : Y. G. KHOBRAGADE, J.
(Vacation Court)**

DATE : 24.05.2023.

PER COURT :-

Heard.

2. Issue notice to the respondents. Mr. Barahate, learned counsel waives for respondent No.1 and the learned APP waives for respondent No.2.

3. The present applicant has filed revision challenging the judgment and order dated 13.02.2023 passed by the learned appellate Court in Criminal Appeal No.179/2017, whereby the learned appellate Court affirmed the order of conviction passed by the learned J.M.F.C., wherein the appellant/applicant held guilty for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for six months. So also, the amount of Rs.10,00,000/- (Rupees Ten Lakh) was directed to be paid towards compensation.

4. The offence punishable under Section 138 of the Negotiable Instruments Act is compoundable at any stage as per the guidelines laid down by the Hon'ble Supreme Court in the case of ***Damodar S. Prabhu Vs.Sayed Babalal H. in Criminal Appeal No. 963 of 2010*** decided on 03.05.2020. Therefore, considering the facts and circumstances of the case as well as the punishment, it would be just and proper to suspend the sentence awarded by the learned trial Court during pendency of revision.

5. In view of above discussion, I proceed to pass following order:

ORDER

- (i) The criminal application is allowed.
- (ii) The sentence awarded by the learned appellate Court vide its judgment and order dated 13.02.2023 passed in Criminal Appeal No.179 of 2017 is hereby suspended pending the revision.
- (iii) The applicant be released on bail on his executing P. R. bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two solvent sureties of the like amount.
- (iv) The applicant shall deposit entire compensation amount before the first appellate Court within a period of four weeks from today.

[Y. G. KHOBRAGADE, J.]

SMS