

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2263 OF 2023
IN REVN/183/2023 WITH REVN/183/2023

SHAIKH MEHBOOB ALIAS AZGAR SHAIKH HAMID
VERSUS
RAJEBHAU JANARDHAN AADHAV AND ANOTHER

...
Advocate for Applicant : Mr. Suhas R. Shirsat
APP for Respondent No.2/State : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 30-06-2023

PER COURT :-

1. Heard the learned counsel for the applicant.
2. Issue notice to the respondents, returnable on 26.07.2023.
3. The learned A.P.P. waives service of notice for respondent No.2/State.
4. Call R & P.
5. The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act. His appeal is also dismissed and he has been taken into custody.
6. The learned counsel for the applicant would submit that the applicant has a good case on merit. There are grounds to argue before the Court. In view thereof, the sentence may be suspended. Hence, the order:-

- i) The application is allowed.
- ii) The execution, implementation and operation of the sentence to suffer simple imprisonment for six months for the offence punishable under section 138 of the Negotiable Instruments Act imposed on the applicant by the learned Judicial Magistrate First Class, Parali Vaijnath, in S.C.C.No.62 of 2012, dated 19.12.2015 and confirmed by the learned Additional Sessions Judge, Ambajogai, District Beed, in Criminal Appeal No.2 of 2016, dated 22.06.2023, is suspended till the appearance of the respondent No.1/original complainant.
- iii) Applicant Shaikh Mehboob Alias Azgar Shaikh Hamid be released on bail, on furnishing 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 at Ambajogai, District Beed.

**(S. G. MEHARE)
JUDGE**

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