

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

CRIMINAL APPLICATION NO.2444 OF 2023

IN

REVISION APPLICATION NO.197 OF 2023

Deepak Harlal Gavhale

... Applicant

Versus

Jalgaon Udyohak Nagari Sahakari Pathsanstha Limited
Through Its Manager Chintamani Anant Vaidya

... Respondent

...

Mr. Govind Kulkarni h/f Mr. D. A. Mane, Advocate for the Applicant

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 12.09.2023

PER COURT :

1. Heard the learned Advocate appearing for the applicant.
2. It is submitted that the applicant has been convicted for the offences punishable under Section 138 of Negotiable Instrument Act and sentenced to suffer imprisonment for the period of one year and further directions is issued to pay the compensation amount of Rs.10,5000/- to the complainant in terms of Section 357 of the Code of Criminal Procedure. The order dated 29/02/2016 passed by the Judicial Magistrate, First Class, Jalgaon was subjected to the appeal before the Sessions Judge at Jalgaon in Criminal Appeal No.50/2016. The appeal came to be dismissed vide order dated 09/06/2023 and the applicant was directed to surrender before JMFC, Jalgaon.

3. It is submitted on behalf of the applicant that he is ready to deposit the entire compensation amount of Rs.1,05,000/-, as against the basic cheque amount of Rs.1,01,873/-. The learned Advocate for the applicant submits that earlier, Rs.40,000/- has been deposited in the Appellate Court and he is ready to deposit the demand draft of Rs.61,000/- with the complainant bank within a period of three days.
4. In view of the aforesaid submissions, this Court proceed to pass the following order:

ORDER

- (i) Criminal Application is allowed.
- (ii) The effect and operation of substantive sentence under the impugned judgment and order of Judicial Magistrate, First Class, Jalgaon, in SCC No. 1948/2004 dated 29/02/2016 is hereby suspended till further orders.
- (iii) Meanwhile, the applicant / accused be released on bail on executing P.B. and S.B. of Rs.25,000/- [Rs. Twenty Five Thousand].
- (iv) Bail be furnished before the learned Trial Court.
- (v) Criminal Application is disposed of accordingly.

**[S. G. CHAPALGAONKAR]
JUDGE**