

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 3929 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 324 OF 2023**

JANARDAN RAGHUNATH SHUKLA
VERSUS
SACHIN VINAYAK SONAR AND ANOTHER

...

Mr. Joydeep Chattarjee, Advocate for applicant
Mr. S.P. Deshmukh, APP for respondent State.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 25th OCTOBER, 2023

ORDER :-

Heard Mr. Chattarjee, learned advocate for the applicant and Mr. Deshmukh, learned APP for the State.

2. Mr. Chatterjee submits that the applicant was prosecuted for the offence under Section 138 of the Negotiable Instruments Act in SCC No. 39 of 2018. The learned Judicial Magistrate First Class, Amalner Dist. Jalgaon, vide judgment and order dated 11.8.2023, convicted the applicant and sentenced him to suffer S.I. for 3 months and to pay compensation of Rs. 2,81,422/-. The order passed by the Magistrate was subjected to appeal before the Additional Sessions Judge, Amalner. The learned Sessions Judge, by order dated 19.10.2023 confirmed the conviction and sentence passed by the trial court.

3. Mr. Chattarjee, learned advocate for the applicant would submit that the applicant has deposited the entire compensation amount. The applicant was on bail during the trial so also during pendency of the appeal. He has not misused the liberty. Mr. Chattarjee invited attention of this court to the reasoning adopted by the trial court as well as

appellate court and submits that there are arguable grounds, which require consideration after calling for record and proceedings.

4. Learned APP vehemently opposed the application.

5. Having considered the submission advanced and after going through the reasoning adopted by the courts below, it appears that there are arguable grounds, which require consideration after perusing the record and proceeding. It is also apparent that the applicant was on bail during trial so also during the pendency of appeal. He has surrendered immediately after confirmation of conviction and sentenced by the Sessions Court. In that view of the matter, a case is made out for suspension of sentence and grant of bail. Hence, the following order :-

ORDER

[I] The application is allowed;

[ii] The substantive sentence imposed by the Judicial Magistrate First Class, Amalner, Dist. Jalgaon in SCC No. 39 of 2018 and confirmed by the Additional Sessions Judge, Amalner in Criminal Appeal No. 7 of 2023, is hereby suspended till disposal of the revision.

[iii] In the meanwhile, the applicant be released on bail on his furnishing P.B. and S.B. in the sum of Rs. 25,000/- with one solvent surety in the like amount.

[iv] Bail to be furnished before the trial court.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-