

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 4676 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 414 OF 2023**

Samarth Collection & Anr. .. Applicants

Vs.

Sushil Creations & Anr. .. Respondents

.....
Mr. Anand S. Patil for the applicants
Ms. G.P. Mulekar, APP for the respondent – State
.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 20th DECEMBER, 2023

P.C.

1. Heard Mr. Patil, learned Counsel for the applicant.
2. This is an application seeking suspension of execution of the sentence of 6 months simple imprisonment awarded by the trial Court along with fine of Rs.5,40,000/- in default to suffer simple imprisonment for 1½ months for the offence punishable under Section 138 of the Negotiable Instrument Act.

3. An appeal preferred by the applicant before the lower Appellate Court also came to be dismissed confirming the judgment and order of conviction and sentence passed by the Magistrate's Court and, therefore, the present Revision Application.

4. It is submitted that the applicant has been taken into custody by the lower Appellate Court on 22.11.2023 – the date on which the appeal was dismissed.

5. Learned Counsel, on instructions, submits that the applicant is ready to deposit Rs.2 lakhs within four weeks in the trial Court. Statement is accepted.

6. Upon depositing an amount of Rs.2 lakhs within 4 weeks in the trial Court, the execution of the sentence would stand suspended upon the applicant furnishing a P.R. bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the learned JMFC, Kolhapur in view of the fact that the Revision may not be decided on merits in near future and the incarceration of the applicant would not be justified.

7. The application stands disposed of.
8. List the Revision Application on 29th January, 2024.

(PRITHVIRAJ K. CHAVAN, J.)