

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

**INTERIM APPLICATION NO. 50 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 05 OF 2023
WITH
INTERIM APPLICATION NO. 52 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 06 OF 2023
WITH
INTERIM APPLICATION NO. 53 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 07 OF 2023**

Mr. Ramesh Trimbak Patil ... Applicant
v/s.
The State of Maharashtra and anr. Respondents

Mr. Pravin Palhade a/w. Mr. Anil Lulla for the Applicant.
Mr. Arfan Sait, APP for the State.

CORAM: R.G. AVACHAT, J.

DATED : 17th JANUARY, 2023.

P. C. :-

. By these Applications, the Applicant has sought suspension of substantive sentence imposed vide judgment dated 09/11/2022 in Criminal Appeal Nos.33/2009, 34/2009 and 35/2009. By the impugned judgment, the learned Additional Sessions Judge, Kalyan has held the Applicant guilty of offence under section 138 of Negotiable Instruments Act and therefore sentenced to suffer simple imprisonment for a period of one month and pay the compensation of Rs.60,000/-.

2. Heard learned counsel for the respective parties. I have perused the records and considered the submissions advanced by the learned counsel for the respective parties.

3. The Appellate Court has confirmed the order of conviction and sentence as well. The Applicant is 76 years of age. He is in jail for about 20 days. It is informed that half of the compensation i.e., Rs.30,000/- has already been deposited. The Applicant is ready to pay the balance amount once he comes out of jail. In view of the above, Interim Applications are allowed on the following terms and conditions :-

(a) Execution of substantive sentence imposed against the Applicant vide judgment dated 09/11/2022 in Criminal Appeal Nos.33/2009, 34/2009 and 35/2009, is suspended pending hearing of the Revision Applications subject to the Applicant depositing balance compensation of Rs.30,000/- before the Trial Court within three weeks from today.

(b) The Applicant shall be released on bail on executing P.R. bonds in the sum of Rs.15,000/- in each Interim Application with one or two sureties in the like amount to

the satisfaction of the Trial Court.

(c) If the Applicant fails to deposit the balance amount in the Trial Court within the time frame, the order granting him bail shall be recalled.

4. Interim Applications stand disposed of accordingly.

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(R.G. AVACHAT, J.)