

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.4237 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.380 OF 2023**

Arun Anant Ambi	]	Applicant
Vs.		
Ajara Shetkari Sahakari Sakhar	]	
Karkhana Ltd through Sileman	]	
Abdulsatar Gavasekar and another	]	Respondents

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Mr. Paras Yadav, for Applicant.

Mr. Netaji Gawade i/b Mr. Abhijit Desai, for Respondent No.1-Complainant.

Ms. G.P. Mulekar, A.P.P, for Respondent No.2-State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 29th November, 2023.

P.C.

1. Heard learned Counsel for the parties.

2. Applicant has been convicted by the Judicial Magistrate First Class, *Ajara* in Summary Criminal Case No.201 of 2012 of an offence punishable under section 138 of the Negotiable Instruments Act, 1881 on 5th August, 2014 sentencing him to suffer simple imprisonment for six months, *inter alia*, imposing compensation to the tune of Rs.3,87,000/-. The applicant had impugned the said judgment of conviction before the learned Additional Sessions

Judge, *Gadhinglaj*, District *Kolhapur* vide Criminal Appeal No.24 of 2014. The learned Additional Sessions Judge has dismissed the appeal on 31st October, 2023 by maintaining the judgment of conviction and sentence passed by the J.M.F.C, *Ajara*.

3. It appears that the applicant had already deposited an amount of Rs.1,00,000/- towards part payment of compensation on the date when the appeal came to be dismissed by the Additional Sessions Judge on 31st October, 2023. It is submitted by the learned Counsel for the applicant that an additional amount of Rs.1,00,000/- has been deposited by the applicant on 9th November, 2023 in the lower Appellate Court. Statement is accepted.

4. Learned Counsel for respondent No.1-complainant seeks time to respond the application seeking suspension of execution of sentence pending the Criminal Revision Application.

5. At the outset, it appears that the applicant had already deposited substantial amount of cheque in question before the Court below. Since, the applicant has been taken into custody by the lower Appellate Court on the date of pronouncement of the

judgment and as the Revision Application may not be heard in near future, it would not be desirable to detain the applicant in the prison till the Revision Application is decided on merits.

6. Considering the aforesaid facts, the execution of substantive sentence awarded by the Magistrate's Court and confirmed by the lower Appellate Court stands suspended till the Revision Application is decided on merits. The applicant shall be released on executing a P.R bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of the lower Appellate Court.

7. Learned Counsel for the applicant submits that the balance amount of cheque would be deposited within three weeks. Statement is accepted as an Undertaking to the Court.

8. The Application stands disposed of.

9. Criminal Revision Application be listed on **20th December, 2023.**

[PRITHVIRAJ K. CHAVAN, J.]