



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**905 CRIMINAL APPLICATION NO. 3306 OF 2024
IN REVN/224/2024**

**WITH
CRIMINAL REVISION APPLICATION NO. 224 OF 2024**

**YOGESH CHANDRAKANT RAJE
VERSUS
GANESH RAJARAM SHEJUL**

...
Advocate for Applicant : Mr. Amit Yadkikar h/f Mr. S. A. Deshpande
Advocate for Respondent : Mr. K. A. Khole
...

CORAM : ABHAY S. WAGHWASE, J.

Dated : December 14, 2024

PER COURT :-

1. In revision, there is challenge to the judgment and order passed by learned Additional Sessions Judge, Aurangabad in Cri. Appeal No. 3 of 2021 arising out of the judgment and order passed by learned Judicial Magistrate First Class, Aurangabad in Summary Criminal Case No. 978 of 2021 under Section 138 of Negotiable Instruments Act. In the present application, there are prayers for bail and suspension of sentence.

2. Learned counsel for applicant pointed out that the sentence awarded by First Appellate Court is only for one month.

That, revision would take more time to be heard. He further submits that during trial, in both learned Trial Court as well as in First Appellate Court, applicant was on bail. Learned counsel further pointed out that he has already deposited amount of Rs. 3,90,000/- in this Court. Therefore, prayer for bail and suspension of sentence needs to be allowed.

3. Learned counsel appearing for respondent initially opposes for suspension of sentence on the ground that last time, undertaking was taken to deposit the amount but now, he agrees that amount has been deposited in this Court. He seeks permission to withdraw the amount.

4. Hence, considering the submissions as advanced, nature of proceeding and as there was no prospectus of hearing the revision in near future, following order is passed.

ORDER

- I. Criminal Application is allowed.
- II. The substantive sentence imposed on the applicant Yogesh Chandrakant Raje in Criminal Appeal No. 3 of 2021 by learned Additional Session Judge, Aurangabad

on 08.07.2024 stands suspended till the final hearing and disposal of Criminal Revision Application No. 224 of 2024.

- III. The applicant be released on P.R. Bond of Rs. 15,000/- (Rupees Fifteen Thousands Only) with one solvent surety in the like amount.
- IV. Bail before the trial Court.
- V. Respondent is permitted to withdraw only 50% of amount deposited, subject to undertaking.

(ABHAY S. WAGHWASE, J.)

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