



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3869 OF 2024

IN

CRIMINAL REVISION APPLICATION NO. 247 OF 2024

1. Sai Poultry Farm Firm
Alkuti Road, Parner,
Dist.Ahmednagar.
2. Prafull @ Yogesh Chandrakant Gandhade
Age: 36 years, Occu.: Business,
R/o. Alkuti Road, in front of Sanket Gas
Agency, At. Post Parner,
Tq.Parner, Dist.Ahmednagar.

..Applicant
(Original Accused)

Versus

1. The State of Maharashtra
2. Sanjay Trading Company,
Its Proprietor,
Sanjay Shivilal Bhandari,
Through General Power of Attorney Holder,
Santosh Mansukhlal Pipada,
Age: 57 years, Occu.: Business,
R/o. H.No.1322, Vanjar Lane,
Tal. and Dist.Ahmednagar.

..Respondents

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Advocate for Applicants : Mr. Umakant Uddhavrao Wagh

APP for Respondent no.1 : Mr.S.M.Ganachari

Respondent for Respondent no.2 : Mr. Rahul Ratilal Sancheti

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 25 NOVEMBER, 2024

ORDER :

1. In present application, two prayers are set up i.e. to suspend

the sentence awarded by learned trial Court dated 21-03-2023 in S.C.C. No.4356 of 2018 and confirmed by appellate court on 13-08-2024 and also to extend relief of bail.

2. Learned Counsel for the applicants pointed out that proceedings under Section 138 of the Negotiable Instruments Act were instituted against revision petitioners. The same culminated into conviction by learned Additional Chief Judicial Magistrate, Ahmednagar and subsequently on appeal, conviction was confirmed by Appellate Court on 13-08-2024. The same has been challenged hereby filing revision. It is further submitted that applicant no.2 was on bail during trial before trial Court as well as before appellate court. Now revision being of 2024, it would take long time to be heard and decided and hence, above both reliefs are pressed into service.

3. Learned APP for respondent no.1 State and learned Advocate for Respondent no.2 opposed both above reliefs.

4. After considering the submissions advanced before the Court and reproduced above, considering the nature of proceedings and the fact that revision is of 2024 and there being no immediate prospects

of hearing the revision, relief as prayed deserves to be granted.

ORDER

- (i) Criminal Application No.3869 of 2024 is allowed.
- (ii) The sentence imposed on the applicant no.2 – Prafull @ Yogesh Chandrakant Gandhade by the learned Additional Chief Judicial Magistrate, Ahmednagar in Summary Criminal Case No.4356 of 2018 on 21-03-2023 and confirmed by learned Additional Sessions Judge, Ahmednagar on 13-08-2024, stands suspended till final hearing and disposal of Criminal Revision Application No.247 of 2024.
- (iii) The applicant no.2 – Prafull @ Yogesh Chandrakant Gandhade be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount.
- (iv) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE