



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4795 OF 2024  
IN  
CRIMINAL REVISION APPLICATION NO. 314 OF 2024

Balaji S/o. Pundlik Halne,  
Age : 53 years, Occu. : Agri.,  
R/o. Shradha Bhavan, Behind Amit Lunch,  
Nanded Road, Udgir,  
Tq. Udgir, Dist. Latur.

... Applicant

Versus

Saibaba Sugar Ltd. Shivani (Bk.),  
Tq. Ausa, Dist. Latur  
Through  
Prakash S/o. Maharudrappa Hatte,  
Age : 68 years, Occu. : Agri.,  
R/o. Majge Nagar, Latur,  
Tq. & Dist. Latur.

... Respondent.  
(Orig. Complainant)

.....  
Mr. Sachin Subhash Panale, Advocate for Applicant.  
Mr. Fayaz K. Patel, APP for Respondent - State.  
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**CORAM : ABHAY S. WAGHWASE, J.**  
**RESERVED ON : 16 DECEMBER 2024**  
**PRONOUNCED ON : 19 DECEMBER, 2024**

**ORDER :**

1. Present application is for suspension of sentence and grant of bail as a result of conviction recorded by learned 6<sup>th</sup> Judicial Magistrate First Class, Latur in S.T.C.C. No.102 of 2016, dated 20.09.2021 and confirmed by learned Additional Sessions Judge, Latur in Criminal Appeal No. 20 of 2021.

2. It is pointed out that, present respondent instituted proceeding under section 138 of Negotiable Instruments Act and the same were decided by learned J.M.F.C., Latur recording guilt for said offence and sentencing applicant for two years rigorous imprisonment and to pay fine and in default to further suffer simple imprisonment for three months. That, such order dated 20.09.2021 was challenged before learned Sessions Court, Latur, but learned Additional Sessions Judge by order dated 01.10.2024 dismissed the appeal. Hence, above revision has been preferred and the same is pending.

3. Leaned counsel further submitted that, revision is of the year 2024 and it would take long time to be heard and decided. That, already trial court had suspended the sentence and even first appellate court continued the same subject to depositing 20% amount. Therefore, prayers are raised for suspension of sentence and grant of bail.

4. While resisting the above prayers, learned counsel for respondent - original complainant pointed out that, he has no objection for suspension of sentence and grant of bail, but subject to depositing further fine amount.

5. After considering the submissions and on going through the papers, it transpires that, vide S.T.C.C. No. 102 of 2016 present applicant was held guilty by learned J.M.F.C., Latur by its order dated 20.09.2021 awarding sentence of two years and to pay fine of Rs.2,42,203/-.

6. The above order seems to be challenged by way of appeal bearing Criminal Appeal No.20 of 2021, but the same stood dismissed by order dated 01.10.2024. Consequently, sentence awarded by learned trial Judge came into play. Now, revision is admittedly pending. It is pointed out that, applicant has paid only Rs.48,000/- out of 2,42,203/-. Taking the nature of proceeding into consideration and as revision of 2024 is still pending hearing, relief as prayed deserves to be granted subject to deposit of further 20% of the fine amount. Hence, the following order is passed :-

### **ORDER**

- i] Criminal Application stands allowed.
- ii] The substantive sentence imposed on the applicant Balaji S/o. Pundlik Halne by learned J.M.F.C. Latur in S.T.C.C. No.102 of 2016 and as confirmed by learned Additional Sessions Judge, Latur on 01.10.2024 stands suspended till the final hearing and disposal of Criminal Revision Application No.314 of 2024, on the condition that the applicant should deposit further 20% of the fine amount with the first appellate court.

- iii] The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- iv] The applicant shall not commit any criminal activity.
- v] Bail before the first appellate court.

(ABHAY S. WAGHWASE, J.)