

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

REVISION APPLICATION (ST) NO.1733 OF 2024

WITH

INTERIM APPLICATION NO. 291 OF 2024

WITH

INTERIM APPLICATION NO. 292 OF 2024

Suraj Manohar Jagtap

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Tushar Sonawane a/w Mr. Pooja Satpute Advocate for
Petitioner.

Mr. Arfan Sait, APP for Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd JANUARY, 2024

P.C.:-

1. The applicant is convicted for offence under Section 138 of the Negotiable Instrument Act vide Judgment and Order dated 30th October 2017 passed by learned JMFC, Pandharpur in SCC No. 1747 of 2012 and was sentenced to suffer imprisonment of simple nature for two months. He was directed to pay fine of Rs.2,40,000/-. It was further directed that, the amount of Rs.2,30,000/- be paid to the complainant. The applicant was permitted to deposit the fine amount in three equal installments of Rs.80,000/- each within a period of one and half year from the date of order and in default of payment of fine amount the accused sentenced to

undergone simple imprisonment for 15 days.

2. The judgment of trial Court was challenged by the applicant before the Sessions Court by preferring Criminal Appeal No. 77 of 2017 vide judgment and order dated 16th December 2022, the Appellate Court is directed that, the applicant shall deposit the amount towards fine as order passed by the trial Court and the entire amount was directed to be paid to the complainant. In the event, fine amount is not paid within stipulated period, the applicant was sentenced to undergo the sentence of two years.

3. Learned Advocate for the applicant submitted that, the applicant has so far deposited amount of Rs.67,500/- before the trial Court. The applicant has been taken in custody on 9th January 2024. On instructions, it is submitted that, the applicant is willing to deposit the amount of Rs.1,00,000/- within a period of three weeks from the date of release.

ORDER

(i) Issue notice to Respondent No.2, returnable on 6th March 2024.

(ii) In the meantime, the substantive sentence imposed vide judgment and order dated 30th October 2017 passed by learned JMFC, Pandharpur in SCC No. 1747 of 2012 and confirmed by the Appellate Court vide judgment and order dated 16th December 2022 passed by learned Additional Sessions Judge, Pandharpur is suspended and the applicant is directed to be released on bail on executing PR bond in the sum of Rs.20,000/- with one or more sureties in the like amount;

- (iii) The applicant is permitted to furnish provisional cash bail security in the sum of Rs.20,000/- for a period of four weeks in lieu of surety.
- (iv) This interim protection is granted till next date of hearing.

(PRAKASH D. NAIK, J.)