

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.370 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.57 OF 2024

Sachin Babaso Mane

Applicant

versus

Datta Nagri Co-op. Patsanstha Limited
Urun, Islampur.

Respondents

Mr.Noman Jafri with Ms.Naina Orak i/by Rakesh Kamble, Advocate
for Applicant.

Mr.Nikhil N. Pawar, Advocate for Respondentno.1.

Mr.Arfan Sait, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 7th February 2024

PC :

1. Applicant is convicted for the offence u/s.138 of Negotiable Instruments Act vide judgment and order dated 29th October 2018 passed by learned Judicial Magistrate First Class, Islampur in SCC No.792 of 2015 and sentenced to undergo simple imprisonment for one month and directed to pay compensation of Rs.11,80,000/-.

2. The judgment of Trial Court was challenged by applicant before Session Court by preferring Criminal Appeal No.55 of 2018. The appeal has been dismissed vide judgment and order dated 20th September 2023.

3. Learned advocate for Applicant submitted that during pendency of appeal Applicant has deposited Rs.2,95,000/- in the Trial Court. The Applicant has filed an undertaking dated 3rd

February 2024 stating that Rs.2,95,000/- will be deposited in the Trial Court within a period of two weeks from the date of undertaking and Rs.5,90,000/- will be deposited in the Trial Court within six weeks from the date of undertaking. The undertaking is taken on record.

4. After the Applicant makes the deposits the Respondent-complainant is permitted to withdraw said amount, subject to filing an undertaking before the Trial Court that in the event Revision Application is allowed and conviction is set aside, the amount withdrawn will be re-deposited in the Court.

5. Considering the aforesaid circumstances, interim relief can be granted to the Applicant.

ORDER

(i) The substantial sentence of imprisonment imposed vide judgment and order dated 29th October 2018 passed by Judicial Magistrate First Class, Islampur in SCC No.792 of 2015 and confirmed by Additional Sessions Judge, Islampur in Criminal Appeal No.55 of 2018 vide judgment and order dated 20th September 2023 is suspended, and Applicant is directed to be released on bail on executing P.R bond in the sum of Rs.20,000/- with one or two sureties in the like amount;

(ii) Conviction warrant issued against Applicant, if any, shall stand stayed till next date of hearing.

(iii) Interim protection is granted till next date of hearing. Stand over to 5th March 2024;

(PRAKASH D. NAIK, J.)