

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1694 OF 2024
IN
CRIMINAL REVISION APPLICATION (ST) NO.8857 OF 2024
WITH
INTERIM APPLICATION NO.1695 OF 2024
IN
CRIMINAL REVISION APPLICATION (ST) NO.8857 OF 2024**

Shivaji Baburao Patil

...Applicant

vs.

Padmashri D.Y. Patil Sahkari
Sakhar Karkhana & Ors.

...Respondents

Ms. Kalyani Mangave i/b. S.S. Borulkar:	Advocate for Applicant.
Mr. A.D. Kamkhedkar:	APP for State.

**CORAM : S. M. MODAK, J.
DATE : 23rd APRIL 2024**

P. C. :-

1. Heard learned Advocate for the Applicant – convicted accused.

He is convicted by the Court of J.M.F.C., Kolhapur on 8th May 2015.

The sentence is as follows:-

- a. two months S.I.
- b. compensation of Rs.3,41,000/-.

2. His Appeal was dismissed. Now the Applicant intends to challenge the said judgment.
3. Out of the compensation of Rs.3,41,000/-, the Applicant contend that Rs.30,000/- is deposited before the Appellate Court and now the learned Advocate is having instructions that Applicant will deposit Rs.38,200/-. If deposited, it will be 20% of the compensation amount. For deciding the revision, the Respondent – complainant needs to be heard. Hence, issue notice to the Respondents, returnable on **20th June 2024**. Private service is allowed. Service affidavit be filed. Till next date, substantive sentence be suspended. Hence, I pass the following order:-

ORDER

- (i) Substantive sentence for the offence under Section 138 of the Negotiable Instruments Act, 1881 passed by the Court of J.M.F.C., Kolhapur in Summary Criminal Case No.2437 of 2012 is suspended on following terms and conditions:-
- a. Appellant be released on bail on furnishing P.B. and S.B. in the sum of Rs.15,000/- before the trial Magistrate.
 - b. To deposit Rs.38,200/- within two weeks before the

Court of Additional Sessions Judge, Kolhapur.

- c. On the next day, necessary documents to show deposit of Rs.30,000/- be filed.

[S. M. MODAK, J.]