



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

**INTERIM APPLICATION NO. 2278 OF 2024
WITH
INTERIM APPLICATION NO. 2279 OF 2024
IN
REVISION APPLICATION (ST) NO. 11420 OF 2024**

Shri. Vijay Jotiram Rasal

...Applicant

vs.

Minakshi Gramin Bigar Sheti

Sahakari Pat. Sanstha

Maryadit, Vasumbe and Anr.

...Respondents

Adv. Sejal A. Hariyan i/by P. Padmanabh and Associates	Advocate for the Applicant
Mr. A. S. Gawai	APP for the Respondent-State
None for Respondent No. 1	

CORAM : S. M. MODAK, J.

DATE : 25th JULY 2024

P. C. :-

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

The Applicant is convicted by the Court of the J.M.F.C., Vita as per judgment dated 13/10/2008. The sentence is as follows:

(i) Simple imprisonment for eight months.

(ii) Compensation of Rs. 1,23,000/-.

2. This cheque was issued towards discharge of the liability towards short term loan. The appeal came to be dismissed by the Court of the Additional Sessions Judge, Sangli as per the judgment dated 02/05/2019. That is why present revision.

3. The private notice was sent through post. The Patsanstha has refused to accept it. The affidavit is e-filed. Its hard copy is taken on record. Yet Court notice report is awaited. An amount of Rs. 1,23,000/- is already deposited before the Appellate Court on 24/06/2024. Copy of the receipt is annexed.

4. There is delay of more than three years in filing the revision application. When the Applicant came to be arrested in pursuance to the conviction warrant, he came to know that his appeal was dismissed. The Appellant-accused and Respondent – Complainant have not remained present before the Appellate Court. That is recorded in para no. 6 of the Appellate Court judgment. That is why it is contended that the appeal was dismissed without hearing him. The Appellant has lost contact with his Advocate. This delay condonation application i.e.

Interim Application No. 2278 of 2024 can be decided on the next date but case for suspension of the sentence is made out. Hence, the following Order:-

ORDER

- (i) Interim Application No. 2279 of 2024 is allowed.
- (ii) The substantive sentence of the imprisonment of eight months is suspended during pending of the Interim Application No. 2278 of 2024 and revision application, on furnishing personal bond and surety bond of Rs. 15,000/- before the Court of J.M.F.C., Vita.
- (ii) It is to be furnished within two weeks.

5. Interim Application No. 2279 of 2024 (for suspension) is disposed of.

6. Parties to act on an authenticated copy of this Order.

Interim Application No. 2278 of 2024 (delay condonation)

7. The Respondent is duly served as per private notice. Court notice report is awaited. There is delay of more than three years. As entire amount of fine is deposited, let one chance be taken for settlement through mediation. Hence, the following Order:

ORDER

- (i) Let the matter be referred to the District Legal Services Authority, Sangli for a Mediation.
 - (ii) Let learned Secretary, District Legal Services Authority, Sangli to issue notice to Respondent-Complainant-Patpedhi and appoint a Mediator to conduct meetings and then submit a report within statutory period.
 - (iii) Let Applicant to appear before District Legal Services Authority, Sangli on 05/08/2024 after release from jail.
8. Matter be kept on **26th September 2024**.

[S. M. MODAK, J.]