

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

**INTERIM APPLICATION NO.2836 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.342 OF 2024**

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Pritam Barku Mohite ...Applicant

vs.

Atul Shankar Padol and Anr. ...Respondents

Mr.Narayan Gopinath Rokade:-	Advocate for Applicant.
Ms.Sangita E. Phad:-	APP for Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATE : 12th SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate Shri.Narayan Rokade for the Applicant
– convicted Accused.

2. There is a conviction by the Court of Additional Chief Judicial Magistrate – Nashik on 3rd February 2023. The conviction is under Section 138 of the Negotiable Instruments Act, 1881 (“**NI Act**”). The cheque of Rs.3,13,124/- (Rupees Three Lakh Thirteen Thousand One Hundred Twenty Four Only) was issued towards the discharge of liability arising out of purchase of grapes from the Complainant.

3. Several contentions were raised before the trial Court including the absence of any voucher, land not standing in the name of the Complainant, there is no entry about growing of grapes on 7x12 extract. All were turned town. The Appeal was also dismissed on 15th June 2024. He was taken into custody.

4. Issue notice to Respondent No.1 returnable on 24th October 2024. Private notice, in addition, is allowed. Affidavit of service be filed.

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5. Heard.

6. The sentence is one year and compensation of Rs.4,69,686/- (Rupees Four Lakh Sixty Nine Thousand Six Hundred Eighty Six Only). Rs.90,000/- (Rupees Ninety Thousand Only) is deposited when the Appeal was pending and it is withdrawn. This is on the basis of instructions. From the record, I find no reference. On the next date, they can produce a receipt. The Applicant is ready to deposit Rs.2,00,000/- (Rupees Two Lakh Only) within a period of two (2) weeks.

7. In view of above, following order is passed:-

ORDER

- (A) The substantive sentence imposed by the Additional Chief Justice Magistrate in S.C.C. No.6538 of 2019 is suspended during pendency of the Revision subject to following conditions:-
- (i) On furnishing personal bond and surety bond of Rs.15,000/- (Rupees Fifteen Thousand Only) before the trial Magistrate.
 - (ii) On depositing Rs.2,00,000/- (Rupees Two Lakh Only) within a period of two (2) weeks from the date of release from jail.
 - (iii) If the amount is not deposited, the order of suspension will stand recalled automatically.
- (B) On deposit, the Complainant is at liberty to withdraw that amount from the trial Magistrate on furnishing an undertaking that it will be returned along with interest, if directed by this Court.
8. Parties to act on an authenticated copy of this order.
9. In view of that, **Interim Application stands disposed of.**

[S. M. MODAK, J.]