



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL REVISION APPLICATION (REVN) NO. 112 OF 2024
Mamtadevi Prafullakumar Bhansali .Vs. Pushpadevi Kailashkumar Agrawal and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr N. R. Saboo, Advocate for the applicant
Ms Ritu Sharma, APP for the State

CORAM : G.A. SANAP J.
DATE : JULY 22, 2024

Heard.

2. Issue notice to the respondents, returnable
within **four weeks**.

3. Learned APP waives service of notice on behalf
of respondent No.2/State.

CRIMINAL APPLICATION (APPR) NO.147 OF 2024

4. Heard.

Corrected
as per order
dated
25.07.2024

5. ~~Issue notice to the respondents, returnable
within **four weeks**.~~

6. ~~Learned APP waives service of notice on behalf
of respondent No.2/State.~~

7. This is an application for suspension of sentence. The applicant was convicted by the learned Judicial Magistrate First Class, Achalpur for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer simple imprisonment for six months and to pay a fine amount of Rs.3,50,000/- and in default to suffer simple imprisonment for two months. In the appeal, filed against this order the learned Additional Sessions Judge-2, Achalpur confirmed this order of conviction and sentence.

8. The learned Advocate for the applicant submits that fine amount has been deposited by the applicant. The learned Advocate submits that the applicant has good case on merits.

9. The learned Additional Public Prosecutor submits that considering the facts and circumstances, appropriate order may be passed.

10. In the revision application, various grounds have been set out. The revision application, in view of the factual position, would be required to be heard on merits. The hearing of the revision may take its own time. The applicant has already deposited the fine amount. On going through the record and proceedings and particularly the

quantum of the substantive sentence, in my view, it would be in the interest of the justice to suspend the substantive sentence.

11. Accordingly, the application is **allowed**.

12. It is ordered that the substantive sentence passed by the learned Judicial Magistrate First Class, Achalpur and confirmed by the learned Additional Sessions Judge-2, Achalpur vide order dated 26.06.2024, shall remain stayed during the pendency of this revision application.

13. Applicant– Mamtadevi Prafullakumar Bhansali be released on bail on furnishing PR bond in the sum of Rs.15,000/- with one surety in the like amount.

14. The bail shall be furnished before the learned Additional Sessions Judge-2, Achalpur to the satisfaction of the learned Judge.

15. The criminal application stands **disposed of**, accordingly.

(G. A. SANAP, J)