



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

CRIMINAL REVISION APPLICATION NO. 100 OF 2024

VIVEK S/o NARAYAN NAITAM

VERSUS

THE GADCHIROLI NAGRI SAHAKARI BANK, GADCHIROLI

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Madhur Deo, Advocate for the applicant

CORAM : G. A. SANAP, J.

DATE : JULY 04, 2024.

1. Heard Mr. Madhur Deo, learned advocate for the applicant.
2. Issue notice to the non-applicant, returnable on 29.07.2024.

CRIMINAL APPLICATION (APPR) NO. 135 OF 2024

1. Heard Mr. Madhur Deo, learned advocate for the applicant.
2. This is an application for suspension of substantive sentence and grant of bail.
3. Issue notice to the non-applicant, returnable on 29.07.2024.
4. The applicant has been convicted for the offence punishable under section 138 of the Negotiable Instruments Act, 1988 by learned Judicial Magistrate, First Class, Gadchiroli vide judgment and order dated 01.04.2022 in Summary Criminal Case No. 146/2018. The

applicant is sentenced to suffer rigorous imprisonment for one year and to pay compensation of Rs.6,00,000/- (Rupees Six lakhs only) within a period of two months and in default to suffer simple imprisonment for six months. The judgment of conviction and sentence has been confirmed by the learned Sessions Judge, Gadchiroli by the judgment and order dated 26.06.2024 in Criminal Appeal No. 10/2022. The applicant has been taken in custody.

5. It is submitted that the applicant has already deposited Rs.1,20,000/- (Rupees One lakh Twenty thousand only) before the trial Court. Learned advocate submitted that the applicant may be granted reasonable time to deposit the balance amount. Learned advocate submitted that pending this application, the substantive sentence may be suspended.

6. The non-applicant is a co-operative society. The cheque amount was Rs.3,00,000/- (Rupees Three lakhs only). The compensation awarded is Rs.6,00,000/- (Rupees Six lakhs only). The revision application, which *inter alia* contains the grounds of challenge to the impugned judgment and order, has to be heard and decided on merits. In view of this, it would be just and proper to suspend the substantive sentence till the next date, subject to appropriate conditions.

7. Accordingly, the substantive sentence imposed vide judgment and order dated 01.04.2022 by learned Judicial Magistrate, First Class, Gadchiroli and confirmed by the

learned Sessions Judge, Gadchiroli, by the judgment and order dated 26.06.2024, shall remain suspended till the next date, subject to a condition that the applicant shall deposit Rs.4,80,000/- (Rupees Four lakhs Eighty thousand only) within two weeks from the date of his release from jail.

8. Applicant - Vivek S/o Narayan Naitam be released on bail on his furnishing PR bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with one surety of the like amount.

9. Stand over to 29.07.2024.

(G. A. SANAP, J.)

Diwale