



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 130 OF 2025
IN REVN/13/2025**

Shaikh Shahanawaj s/o Shaikh Ibrahim
Age: 45 years, Occu.: Business,
R/o. Chhaipura Deulgaon Raja Road,
New Jalna, Tq. And Dist.Jalna.

..Applicant
(Orig. Accused)

Versus

1. The State of Maharashtra
Through Public Prosecutor,
Jalna.
2. Avinash Krushnarao Bhagurkar (Deceased)
Through his L.Rs.

2-A. Sandhya w/o Avinash Bhagurkar
Age: 78 years, Occu.: Household.

2-B Abhijeet s/o Avinash Bhagurkar
Age: 48 years, Occu.: Service

Both R/o. Plot no.20, Vidyut
Colony, in front of Railway-Station,
Jalna, Tq. And Dist.Jalna.

2-C Ashwini w/o Shrikant Alhat
Age: 52 years, Occu.: Service,
R/o. Sinhgad, Pune.

..Respondents
(R. N. 2-A to 2-C are legal
heirs of Orig. Complainant)

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Advocate for Applicant : Mr. Ravindra Vitthal Gore
APP for Respondent no.1 : Ms.Vaishali S.Chaudhari
Advocate for Respondent nos.2-A to 2-C : Mr. S.R. Chaudhari

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 20 JANUARY, 2025

ORDER :

1. This is an application for suspension of sentence and grant of bail as a result of conviction recorded by learned Judicial Magistrate First Class, Jalna in SCC No.649 of 2012 for commission of offence under Section 138 of the Negotiable Instruments Act (NI Act) and confirmed by learned Additional Sessions Judge-3, Jalna.

2. Learned Counsel for the applicant pointed out that applicant was tried for offence under Section 138 of the Negotiable Instruments Act. He further pointed out that learned trial Court held applicant guilty for the said offence and sentenced him to suffer simple imprisonment for two months and to pay fine and compensation. That, the appeal preferred against the said judgment before the learned Additional Sessions Judge-3, Jalna is dismissed. That, applicant is behind bars since 07-01-2025. That revision is preferred in 2025 and there are no immediate prospects of hearing of the revision application. Therefore, learned counsel prays for suspension of sentence and grant of bail during pendency of revision application.

3. Other side strongly opposed the application. It is submitted that till date, no amount has been paid by the applicant. That, if at all this Court is inclined to grant relief, then applicant be directed to pay some amount.

4. Considering the nature of proceedings and that sentence imposed on the applicant is for two months and applicant is behind bars since 07-01-2025 and that there being no immediate prospects of hearing of the revision, relief as prayed deserves to be granted.

ORDER

- (i) Criminal Application No.130 of 2025 is allowed.
- (ii) The substantive sentence imposed on the applicant Shaikh Shahanawaj s/o Shaikh Ibrahim by the learned Judicial Magistrate First Class, Jalna in SCC No.649 of 2012 on 22-01-2016 and confirmed by learned Additional Sessions Judge-3, Jalna on 07-01-2025, stands suspended till final hearing and disposal of Criminal Revision Application No.13 of 2025.
- (iii) The applicant Shaikh Shahanawaj s/o Shaikh Ibrahim be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount.

- (iv) Bail before the trial Court.
- (v) Parties to act on authenticated copy of the present order.

(ABHAY S. WAGHWASE)
JUDGE

SPT