



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

**CRIMINAL APPLICATION NO. 152 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.326 OF 2024**

Swapnil S/o. Avinash Deshmukh

Age: 33 years, Occu.: Labour,

R/o. Behind Vasant Talkies,

Bhusawal, Dist.Jalgaon.

....Applicant/Ori. Accused

Versus

Ajay S/o. Ramnath Mishra

Age: 39 years, Occu.: Service,

R/o. : Gadkari Nagar, Bhusawal,

Dist.Jalgaon.

....Respondent

.....

Advocate for Applicant : Mr. Dhananjay Abasaheb Naik

APP for Respondent : Ms.Meera A.Bhosle (Appointed)

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 24 JANUARY, 2025

ORDER :-

1. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Judicial Magistrate First Class (Court No.3), Bhusawal, Dist.Jalgaon in S.C.C. No.471 of 2018 and upheld by learned Additional Sessions Judge, Bhusawal, Bhusawal.

2. It is submitted that applicant was tried vide S.C.C.No.471 of 2018 and held guilty by the learned Judicial Magistrate First Class, Court no.3, Bhusawal and he is sentenced to suffer simple imprisonment for two months and to pay compensation. That, said judgment was challenged before the Sessions Court, Bhusawal vide Criminal Appeal no.27 of 2021, however, appeal came to be dismissed, against which Revision has been preferred before this Court bearing no.326 of 2024 and the same is pending here hence, above prayers.

3. As inspite of service of notice, none appeared for respondent / informant, Ms.Meera A.Bhosle, learned Advocate is appointed and she opposed application on the ground that on full-fledge trial, conviction has been recorded and the same is upheld by the Appellate Court.

4. After considering the submissions and on going through the papers, it is emerging that, apparently revision arises out of judgment and order passed by the learned Additional Sessions Judge, Bhusawal in Criminal Appeal No.27 of 2021 preferred on

account of conviction recorded by learned Judicial Magistrate First Class, Court no.3, Bhusawal for offence under Section 138 of the Negotiable Instruments Act and awarding sentence to suffer simple imprisonment for two months.

Considering the above nature of proceedings and as revision is pending here, relief as prayed deserves to be granted. Accordingly, following order is passed :

ORDER

- (i) Criminal Application No.152 of 2025 is allowed.
- (ii) The substantive sentence imposed on the applicant Swapnil S/o. Avinash Deshmukh by the learned Judicial Magistrate First Class (Court No.3), Bhusawal in S.C.C. No.471 of 2018 on 01-09-2021 and confirmed by learned Additional Sessions Judge, Bhusawal on 13-08-2024, stands suspended till final hearing and disposal of Criminal Revision Application No.326 of 2024.
- (iii) The applicant Swapnil S/o. Avinash Deshmukh 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) Fees of learned Advocate appointed for respondent is to be paid through the High Court Legal Services Sub Committee, Aurangabad as per Rules.

(ABHAY S. WAGHWASE)
JUDGE