



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

**CRIMINAL APPLICATION NO. 493 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 40 OF 2025**

Chandrakant S/o. Mansaram More,
Age : 70 Years, Occu. : Pensioner,
R/o. Flat No.404 Sanghavi Regency,
B Wing, Near Incom Plaza Hall,
RTO Office Road, Kalyan (W),
Dist. Thane.

**... Applicant
(Orig. Accused)**

VERSUS

Ashok S/o. Govind Kakale,
C/o. Rahul Anand Nimbalkar,
R/o. Flat No.301, Plot No.15-A,
G. No.102, Vaidehi Apartment,
Hindustan Awas,
Chhatrapati Sambhajanagar.

... Respondent

.....
Mr. Rupesh A. Jaiswal, Advocate for Applicant.
Mr. Sandip R. Andhale, Advocate for Respondent.

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CORAM : ABHAY S. WAGHWASE, J.

Dated : 07th February 2025

ORDER :

1. The present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Judicial Magistrate First Class, Aurangabad, vide S.C.C. No.2006 of 2021,

dated 08.09.2022 and affirmed the said judgment by learned District and Sessions Judge, Chhatrapati Sambhajinagar, in Criminal Appeal No.114 of 2022, dated 03.02.2025.

2. Learned counsel for the applicant pointed out that, the present applicant was tried by learned JMFC, Auranagabad vide S.C.C. No.2006 of 2021, for offence under Section 138 of the Negotiable Instruments Act and trial culminated into conviction dated 08.09.2022. That, learned trial court directed the applicant to suffer imprisonment till rising of court and to pay compensation of Rs.5,71,250/-. That, on failure to pay compensation, he is directed to suffer imprisonment for six months. That, against which, appeal has been preferred. That, learned Appellate Court dismissed the appeal, however, reduced the sentence in default upto three months. That, against the same, revision has been preferred. But it being of 2025 i.e. recent one. That, it will take long time to be heard. Hence, prayer of suspension of sentence and grant of bail.

3. Learned counsel for the respondent-original complainant, has strongly objected the application and submitted that, as the matter is of 2022, appeal is of 2025, the applicant be directed to pay at least 50% of the compensation amount awarded by the learned trial court.

4. After considering the submissions and taking into account the nature of proceedings, sentence awarded is required to be suspended, subject to depositing of Rs 2 lakh in the trial court. Hence, following order is passed.

ORDER

- i) The criminal application is allowed.
- ii) The substantive sentence imposed on applicant Chandrakant S/o. Mansaram More, by learned Judicial Magistrate First Class, Aurangabad, vide S.C.C. No.2006 of 2021 and confirmed by learned District and Sessions Judge, Chhatrapati Sambhajinagar, vide Criminal Appeal No.114 of 2022, stands suspended till final hearing and disposal of Criminal Revision Application No.40/2025, subject to deposit of Rs.2,00,000/- (Rupees Two Lakh Only) in the trial court.
- iii) The applicant be released on bail on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) with one solvent surety in the like amount.
- iv) Bail before the trial court.

[ABHAY S. WAGHWASE, J.]