



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL APPLICATION NO. 2242 OF 2025
IN REVN/200/2025

Ms Shree Computer Stationers Prop Sachin Ramesh Kale

Versus

Yash Computer Through Its Partner Harshad Sanjay Bhandare & Anr.

Mr. Ujwal S. Patil for the Applicant.

Mr. Rushikesh Pahune Patil for Respondent No.1.

Mr. K. K. Naik, APP for the State.

CORAM : ADVAIT M. SETHNA, J.

DATE : 23 JULY 2025

P. C.:

1. This is an Application filed by the Applicant for suspension of sentence. The Applicant in the present Application has *inter alia* assailed the judgment and order of the learned Addl. Chief Judicial Magistrate, Ahmednagar in S.C.C. No.3544 of 2021 dated 21 December 2021. The operative part of the said judgment reads thus:-

“1) Accused Sachin Ramesh Kale for M/s. Shree Computer Stationers is convicted of the offence punishable under Section 138 of the Negotiable Instruments Act vide Section 255(2) of the Code of Criminal Procedure.

2) The accused is sentenced to suffer simple imprisonment for the period of two months and to pay the compensation of Rs. 03,00,000/ (Rs. Three Lakh only) to the complainant vide Section 357 (3) of the Code of Criminal Procedure within one month. In default of payment of compensation the accused shall suffer simple imprisonment for the period 2 (Two) months.

3) The complainant shall be at liberty to withdraw the compensation amount, if deposited, after appeal period is over.

4) The accused to furnish the P.B. and S.B. of Rs. 15,000/- in compliance of Section 437 (A) of the Code of Criminal Procedure.”

2. The said judgment and order was confirmed by the Sessions Court, Ahmednagar by an order dated 6 May 2025. It is against the said judgments and orders that the Applicant has assailed in the present Application.

3. The Application has been filed mainly on the ground that the sentence on the Applicant is a short sentence of two months with a direction to deposit compensation of Rs.3 lakhs. The Applicant was on bail throughout the period when the proceedings were ongoing before the Chief Judicial Magistrate as well as before the Appellate Court. It is his case that he has paid a sum of Rs.60,000/- from the compensation of Rs.3 lakhs to the Respondents. Out of the balance of Rs.2,40,000/-, he undertakes to pay Rs.40,000/- of the said amount within a period of three weeks from today, as he is under financial distress and is not able to deposit the entire amount of compensation at this stage. The said amount of Rs.40,000/- to be deposited with the Registry of this Court within a period of three weeks from today. The Applicant shall deposit the balance amount of compensation during the pendency of the captioned Criminal Revision Application.

4. It is trite law that such prayer for suspension of sentence, considering the period of sentence, can be duly considered in the given

factual conspectus. There is no complaint against the Applicant of any violation of law for the period he was enlarged on bail in any manner whatsoever.

5. In light of the totality of facts and circumstances as noted above, *prima facie* in my view, the substantive sentence of this Applicant ought to be suspended by passing the following order:-

O R D E R

- i. Pending disposal of the Criminal Revision Application and until further orders, the substantive sentence of imprisonment imposed by the Addl. Chief Judicial Magistrate, Ahmednagar and confirmed by the Sessions Court, is suspended.
- ii. The Applicant be released on bail on executing of P.R. Bond of Rs.20,000/- with one surety in the like amount.
- iii. Bail before the Trial Court.

[ADVAIT M. SETHNA, J.]