



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2877 OF 2025
IN CRIMINAL REVISION APPLICATION NO. 234 OF 2025

Farukin Gulam Rafik Gulam Subhani

..APPLICANT

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr. S.P. Katneshwarkar, Advocate for the applicant

Ms. V.S. Chaudhari, A.P.P. for respondent no.1 – State

Mr. V.S. Wakale, Advocate for respondent no.2

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CORAM : ABHAY J. MANTRI, J.

DATE : 15th OCTOBER, 2025

PER COURT :

1. The applicant/accused has filed this application to suspend the substantive sentence awarded by learned J.M.F.C., Partur vide judgment and order dated 10th February, 2022 in S.C.C. No. 125 of 2016 and thereby convicted the applicant for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer rigorous imprisonment for six months and to pay compensation of Rs.7,00,000/- to Respondent No.2; and confirmation of the said order by learned Additional Sessions Judge, Jalna vide judgment and order dated 27th June, 2025 in Criminal Appeal No. 3 of 2022, and release him on bail.

2. Heard learned counsel for the parties. Perused the impugned judgments and the record.

3. At the outset, it appears that in September 2000, Respondent No.2 gave the applicant a hand loan of Rs. 2,00,000/- and again in 2001 gave an additional hand loan of Rs. 1,50,000/-. To discharge the said burden, the applicant issued a cheque dated 06th January, 2006, in favour of Respondent No. 2, which was dishonoured and therefore Respondent No.2 filed the complaint. After the trial, the learned Magistrate convicted the applicant and awarded a sentence as stated above, which was confirmed by the learned Appellate Court.

4. It appears that during the trial, the applicant was on bail, and after passing a conviction order by the learned Magistrate, he was released on bail on deposit of 20% of the compensation amount. It further appears that the learned Additional Sessions Judge dismissed the appeal, forfeited the bail bonds, and directed the applicant to suffer the sentence imposed.

5. It is pertinent to note that, in clause (v) of the operative part of the impugned judgment of the Appellate Court, it is observed that in the morning session, the applicant was present in the Court along with his advocate; however, at 05:15 p.m., the applicant did not turn up.

6. Having considered the above facts and conduct of the applicant, it seems that the applicant, after passing the judgment and order, willfully left the Court instead of appearing before the Court and filing the necessary application to release him on bail. Furthermore, it seems that the applicant

failed to comply with the order passed by the learned Courts below and thereby tried to deprive Respondent No.2 of getting his money back.

7. In the result, the substantive sentence awarded by both the Courts below against the applicant stands suspended subject to the deposit of 50% of the compensation amount in this Court (inclusive of the amount deposited earlier, if any) by the applicant till 07th November, 2025, failing which this order shall stand vacated. No further time will be granted. The applicant be released on P.B. and S.B. of Rs.1,00,000/- (Rupees One Lakh) with one or two sureties in the like amount before the trial Court. The applicant shall furnish the bail bonds by 07th November, 2025.

8. Criminal application stands disposed of accordingly.

(ABHAY J. MANTRI, J.)

SSD