



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL REVISION APPLICATION NO. 259 OF 2024**

1. Bhuleshwar Sugar Works Ltd.
R/o. Gut No.181, Rise,
Tql. Purandar, Dist. Pune
Office E-12/A MIDC, Jejuri,
Tal. Purandar, Dist. Pune – 412303.

2. Chairman & Managing Director,
Mr. Hanumant Dnyanoba Bhagat,
Age: 61 years, Occu.: Business,
R/o. Gut No.181, Rise,
Tql. Purandar, Dist. Pune
Office E-12/A MIDC, Jejuri,
Tal. Purandar, Dist. Pune – 412303.

... Applicants
(Orig. Accused)

Versus

N.R. Fabricators and Erectors,
Shri N.R. Satpute (Director),
Age : 68 years, Occu.: Business,
R/o G-58 MIDC, Ahmednagar

... Respondent

**WITH
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... Respondent

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Mr. Amol Gawali, Advocate for Applicants
Mr. Sandip R. Andhale, Advocate for Respondent

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 24 JANUARY 2025

PRONOUNCED ON : 29 JANUARY 2025

ORDER :

1. Present Revision Applications take exception to judgment and orders passed by learned Additional Sessions Judge, Ahmednagar dated 22.07.2024 on application exhibit-17 in criminal appeal Nos.39/2024 and 40/2024 respectively.

2. It is submitted by the learned counsel for the applicant that, revision petitioner called tenders for establishing a sugarcane crushing unit on turnkey basis. That, for want of approval from the Government, the project could not be taken forward. That, present respondent misused the cheques and even no machinery was purchased. That, said cheques were realized, and therefore, proceedings under Section 138 of the Negotiable Instruments Act were initiated, resulting in conviction. Separate appeals have been filed by the revisionist against the aforementioned orders before the learned Sessions Judge, Ahmednagar

along with applications Exhibit 17 seeking suspension of sentence. However, the Appellate Court, as a condition for suspending the sentences, directed the revisionist to deposit 20% of the respective cheque amounts/compensation amounts. Learned counsel submitted that, the judgments of the Trial Court are itself perverse. That, there was no admission of any documents as is alleged. Learned counsel pointed out that, there was no previous precedent of directing 20% amount by way of deposit. That, now, by virtue of recent judgments of the Hon'ble Apex Court, it cannot be done so in each and every case. That, in exceptional cases, suspension can be granted by ascertaining whether amount is deposited or not. That, here, amount is huge, and therefore, learned counsel prays for suspending the sentence i.e. without directing to deposit part amount, i.e. by quashing impugned orders dated 22.07.2024 passed below Exhibits 17 in criminal appeal Nos.39/2024 and 40/2024 respectively.

3. On the other hand, learned counsel for the respondent pointed out that, applicant had himself undertaken to deposit 20% amount. That, there is noting to that extent in para 12 of the very impugned orders, and therefore, according to him, now it is not open for revisionist to back off and question the judgment on such ground.

4. Heard both the sides. Perused the impugned judgment and order. After considering the submissions of both parties and on going through the rulings placed on record, more particularly, those pertaining to the issue of depositing minimum amount as a precondition for granting suspension, and also taking into account the undertaking of present revisionist before the Appellate Court that he is ready to deposit 20% amount of compensation, even this Court is of the opinion that it is now not open for revisionist to refuse to deposit 20% amount. Consequently, there is no merit in the revision applications. Hence, the following order :

ORDER

Both Criminal Revision Applications are dismissed.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane