



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**908 CRIMINAL APPLICATION NO. 3681 OF 2025
IN CRIMINAL REVISION APPLICATION NO. 309 OF 2025**

AFSAR RATANBHAI SHAIKH

VERSUS

GAJANAN NAGARI SAHAKARI PATSANSTHA LTD THR
REPRESENTATIVE BABASAHEB NARAYAN DONGARE AND
ANOTHER

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Advocate for Applicant : Mr. Shaikh Ashraf Patel

APP for Respondent No.2-State : Mrs. P. V. Diggikar

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 18 NOVEMBER 2025

PER COURT :-

1. Instant criminal application is for suspension of sentence awarded by learned Additional Chief Judicial Magistrate, Court No.17, Ahmednagar in Summary Criminal Case No. 4208 of 2017 dated 05.04.2023.

2. Learned counsel for the applicant pointed out that present respondent instituted proceedings under Section 138 of the Negotiable Instruments Act, 1881 [NI Act] which were numbered as Summary Criminal Case No. 4208 of 2017. Present applicant/revisionist was arraigned as accused and was tried by

learned Additional Chief Judicial Magistrate, Ahmednagar, which court convicted the applicant for offence under Section 138 of the NI Act by its order dated 05.04.2023 and applicant came to be sentenced to suffer simple imprisonment for six months and to pay fine of Rs.6,25,000/- and in default to suffer simple imprisonment for six months.

3. It is submitted that said judgment of conviction was assailed before the first appellant court i.e. learned Additional Sessions Judge, Ahmednagar and Criminal Appeal No. 124 of 2023 was also heard by the first appellate court, but by judgment an order date 20.08.2025, the appeal came to be dismissed confirming the judgment of learned trial court.

4. Learned counsel pointed out that revision has been preferred against both the said orders. That, notice has been issued to the other side. However, in view of the report, it seems that notice has not been served yet and court has extended time for service. He further submitted that applicant was on bail during trial before learned Additional Chief Judicial Magistrate and even the first appellate court had duly suspended the sentence during the lifetime of appeal. That, now revision will take sufficiently long time to be heard and decided

he further makes a statement that in view of order of this court he has deposited Rs.1,00,000/- in this Court and for above reasons, he urges for suspension of sentence.

5. Heard. Indisputably other side is yet to be served. However, record shows that notice is already issued by this Court and report is received that notice is not yet served and thereby time to effect service is sought to be extended.

6. Taking into account the nature of proceedings, and that applicant was on bail during pendency of proceedings under Section 138 of the NI Act before learned Additional Chief Judicial Magistrate as well as during pendency of appeal, instant prayers deserve to be granted. Hence, following order :

ORDER

I. Criminal Application No. 3681 of 2025 is allowed.

II. The sentence imposed on the applicant AFSAR RATANBHAI SHAIKH by the learned Additional Chief Judicial Magistrate, Ahmednagar in Summary Criminal Case No. 4208 of 2017 on 05.04.2023 and confirmed by learned Additional Sessions Judge, Ahmednagar on 20.08.2025, stands suspended till final hearing and disposal of Criminal Revision Application No. 309 of 2025.

III. The applicant AFSAR RATANBHAI SHAIKH be released 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.]

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