



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

**CRIMINAL APPLICATION NO. 4380 OF 2024
IN REVN/286/2024**

Janardhan S/o Eknath Nikalje
Age: 38 years, Occu.: Carpenter,
R/o. Renukanagar, Sutgirni Road,
Ward No.4, Tq.Shrirampur,
Dist.Ahmadnagar,
Presently resident of
New Usmanpura, Jaynagar,
Plot No.69, Aurangabad. ..Applicant

Versus

Sanjay S/o Baburao Tome
Age: 23 years, Occu.: Labour,
R/o. Morgi Vasti, Ward No.7,
Tq.Shrirampur, Dist.Ahmadnagar. ..Respondent

...
Advocate for Applicant : Mr. Yogesh Ganeshlalji Somani
Advocate for Respondent : Mr.Abhishek D.Patil

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CORAM : ABHAY S. WAGHWASE, J.

DATE : 31 JANUARY, 2025

ORDER :-

1. Present application is for suspension of sentence and grant of bail on account of conviction recorded by learned Judicial Magistrate First Class (JMFC), (Court No.2),

Shrirampur, Dist.Ahmednagar in S.C.C. No.735 of 2015 and upheld by learned Additional Sessions Judge, Shrirampur, Dist.Ahmednagar.

2. Learned counsel for the applicant submits that applicant was tried vide S.C.C.No.735 of 2015 for offence under Section 138 of the Negotiable Instruments Act (NI Act) and finally held guilty and appeal against the same was preferred, but it came to be dismissed. He further pointed out that learned JMFC has awarded sentence to suffer rigorous imprisonment for six months and to pay compensation. The revision has been filed against the aforesaid Judgments and orders of the learned JMFC and learned Additional Sessions Judge, Shrirampur, Dist.Ahmednagar, but revision is of 2024 and there are no immediate prospects of matter being heard. Hence, learned counsel urges for relief of suspension of sentence and grant of bail during pendency of revision.

3. Learned Advocate appearing for complainant / respondent fairly submits that he has no objection for granting of said relief,

however, he seeks imposing condition of depositing 20% amount of cheque in this Court.

4. Learned Advocate for the applicant also agrees to deposit 20% amount of cheque in this Court.

5. In view of above, relief as prayed deserves to be granted.

Accordingly, I pass the following order :

ORDER

- (i) Criminal Application No.4380 of 2024 is allowed.
- (ii) The substantive sentence imposed on the applicant Janardhan S/o Eknath Nikalje by the learned Judicial Magistrate First Class (Court No.2), Shrirampur, Dist.Ahmednagar in S.C.C. No.735 of 2015 on 21-03-2020 and confirmed by learned Additional Sessions Judge, Shrirampur, Dist.Ahmednagar on 15-07-2024, stands suspended till final hearing and disposal of Criminal Revision Application No.286 of 2024, subject to Applicant depositing 20% of the cheque amount in this Court

- (iii) The applicant Janardhan S/o Eknath Nikalje be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount.
- (iv) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE

SPT