



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 4015 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 333 OF 2025

Mohammad Irfan Salimmuddin Bagwan

...Applicant

Versus

Abhishek Kamalkishor Malpani

...Respondent

WITH
CRIMINAL REVISION APPLICATION NO. 333 OF 2025

Mr. Amit A. Yadkikar, Advocate for the Applicant.

CORAM : ABHAY J. MANTRI, J.
DATE : OCTOBER 17, 2025

PER COURT :

1. The learned advocate for the applicant seeks leave to correct the date of the judgment of the learned Sessions Court in the application and prayer clause. Leave is granted as prayed. The amendment shall be carried out within one week from today.

2. The applicant has moved this application to suspend the judgment and order dated 10th October 2025, passed by the learned Sessions Judge, Aurangabad in Criminal Appeal No.09 of 2022, whereby confirmed the judgment and order passed by the learned Magistrate vide judgment and order dated 11th January 2022, whereby convicted the applicant for the offence punishable under Section 138 of the Negotiable

Instruments Act, 1881 and sentence to pay fine of ₹ 4,72,000/- and in default to undergo simple imprisonment for the term of three months and release him on bail.

3. Heard learned advocate for the applicant and perused the impugned judgments, order, and record.

4. At the outset, it appears that the applicant was on bail during the trial. After the magistrate passed the conviction order, he was released on bail, subject to depositing 20% of the cheque amount. Also, after the learned Sessions Judge passed the confirmation order, the applicant was permitted to deposit the fine amount within two weeks from the date of the order, 10 October 2025, and that period would expire on 24 October 2025.

5. As requested by the learned advocate for the applicant, the said period is extended until 04 November 2025, and the applicant is permitted to deposit 30% of the compensation amount awarded by the learned Trial Court. It is made clear that no further time will be granted.

6. Accordingly, the applicant has to deposit 30% of the compensation amount awarded by the learned Trial Court (including amount already deposited by the applicant) before the learned Sessions Court (i.e. 30% of the compensation amount is ₹ 1,41,600 – amount deposited before the Sessions Court ₹ 68,800 = ₹ 72,800/-, round up ₹ 73,000/-). It also appears that the applicant has preferred a revision application challenging the impugned orders, and it will take time to decide.

7. Having considered the above facts, the application is allowed in terms of prayer clause (a), subject to the deposit of ₹ 73,000/- in this Court on or before 04th November 2025.

8. The applicant shall be released on bail on furnishing PB and SB of ₹ 50,000/- before the learned Magistrate within four weeks.

(ABHAY J. MANTRI, J.)