

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 65 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 5 OF 2025**

A To Z Edutech Through Mr. Sajid Jafar Sayyad Applicant

Versus

Winners Tailor Through Jameer Dilawar Momin Respondents
And Anr.

Mr. Manoj M. Sabale a/w Mr. Abhishek Ganbavale, Advocate for Applicant.

Ms. Ankita Chindage i/by Mr. Nagesh Chavan, Advocate for Respondent No.1.

Ms. Veera Shinde, APP, for the Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 2nd DECEMBER, 2025.

P.C. :

1. By this application, the Applicant is seeking suspension of sentence.
2. The Applicant has been convicted by the learned Judicial Magistrate First Class, Kolhapur, for the offence punishable under Section 138 of Negotiable Instrument Act and sentenced to suffer

Rigorous Imprisonment for two months. This order is confirmed by the learned Additional Sessions Judge, Kolhapur vide order dated 24/12/2024.

3. It is contention of learned counsel for the Applicant that the Applicant has deposited half of the cheque amount before the trial Court. During the trial, the Applicant was on bail and has not misused liberty. Hence, requested to allow the application.

4. Learned counsel for the Respondent No.1 strongly objected to allow an application and seeks permission for withdrawal of the amount, and requested to reject the application.

5. Learned APP strongly objected to allow an application on the ground that the Applicant has deposited only half of the cheque amount. Hence, requested to reject the Application.

6. I have heard both learned counsel.

7. The Applicant has deposited half of the cheque amount before the trial Court. During the trial, the Applicant was on bail and has not misused liberty. Considering these facts, I pass following order:

ORDER

- i. The application is allowed.
 - ii. The substantive sentence imposed on the Applicant in Summary Criminal Case No.3419 of 2012, in terms of order dated 25/02/2014 passed by the learned Judicial Magistrate First Class, Kolhapur, and confirmed by the learned Additional Sessions Judge, Kolhapur vide order dated 24/12/2024, is hereby suspended.
 - iii. The Applicant be enlarged on bail on furnishing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount.
 - iv. The Respondent can file application for withdrawal of the amount before the trial Court.
 - v. The bail bond to be furnished before the trial Court.
 - . The Criminal Interim Application stands disposed off.
8. All concerned to act on the authenticated copy of this order.

(SHIVKUMAR DIGE, J.)