

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

Interim Application No. 4300 of 2025

in

Revision Application (St) No. 23270 of 2025

Pradeepkumar Kushiram Pandey

Age 53 years, Occ.: Business,

R/o. Flat No.201, 2nd Floor,

B-2/19/10, Sector 16, Vashi,

Navi Mumbai.

... Applicant

Versus

1. Ramesh Krushna Kadam

Age 38 years, Occ. Business,

R/at: Nangurle, Post Palasdari,

Karjat, District – Raigad.

2. State of Maharashtra

... Respondents

Mr Bhomesh Bellam a/w Mr Tejas Kothalikar, Ms Isha Singh
and Mr Neel Paralikar, for the Applicant.

Mr B B Kulkarni, APP, for Respondent / State.

Coram: R.N. Laddha, J.

Date: 26 November 2025

P.C.:

The applicant faced trial in SCC No.306 of 2017 before the learned Judicial Magistrate, First Class, Karjat, Raigad for the offence punishable under Section 138 of the Negotiable Instruments Act, 1981 (the 'NI Act'). The trial Court vide its

judgment and order dated 7 October 2023, convicted the applicant and sentenced him to suffer simple imprisonment for 6 months along with a direction to pay Rs.12,04,000/- (with default stipulations). Aggrieved thereby, the applicant preferred an appeal bearing No.98 of 2023 before the Additional Sessions Judge, Panvel, Raigad, which was dismissed on 13 November 2025. Dissatisfied the applicant approached this Court in its revisional jurisdiction and, by the present application, seeks suspension of sentence and release on bail pending the outcome of the revision.

2. The learned Counsel for the applicant accused highlights the alleged shortcomings in the prosecution's case and contends that the testimonies of the prosecution witnesses lack credibility and failed to inspire confidence. The learned Counsel further submits that the applicant is ready and willing to deposit Rs.3,00,000/- within a period of two weeks. The applicant was on bail throughout the trial and appeal proceedings and should deserve the same treatment during the pendency of the revision. The applicant is willing to comply with any condition imposed by this Court and cooperate fully with the revision proceedings if released on bail.

3. It is a settled position in law that in cases where the term

of sentence is fixed, the revisional Court may leniently consider a convict's request under Section 389 of the Code of Criminal Procedure (CrPC) except in exceptional circumstances or where statutory restrictions apply. If the sentence cannot be suspended, the revisional Court must endeavour to adjudicate the revision on merits, especially when there is a request for expeditious resolution. Failing to do so could jeopardise the applicant's statutory rights due to the passage of time. When practical circumstances hinder prompt resolution, the Court must exercise heightened diligence in deliberating on sentence suspension to maintain the effectiveness of the revision process. Furthermore, when granting bail, the revisional Court has the discretion to impose certain conditions. A profitable reference in this regard may be made to the decision of the Hon'ble Supreme Court in *Bhagwan Rama Shinde Gosai Vs State of Gujrat*, (1999) 4 SCC 421.

4. Considering the nature of accusations levelled against the applicant, and taking into consideration the undertaking of the applicant to deposit Rs.3,00,000/- with this Court within a period of two weeks from the date of this order, it is hereby directed that the substantive sentence imposed upon the applicant shall remain suspended, pending the final adjudication of the criminal revision application. Consequently,

the applicant is ordered to be released on bail, upon his executing a Personal Bond of Rs.25,000/- with one or more sureties in the like amount and depositing Rs.3,00,000/- with the Registry of this Court within a period of two weeks from today.

5. The interim application stands disposed of accordingly.

(R.N. Laddha, J.)