



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION (APPR) NO.53 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.31 OF 2025

Bhaktapralhad Godruji Shembekar
Vs.
Manda Keshaoji Ninawe

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rajat Biranware, Counsel h/f Mr. O. K. Masurke, Counsel for the
applicant.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 05/03/2025

1. By this application, the applicant is seeking suspension of sentence and releasing him on bail.
2. The applicant is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for six months and pay compensation of Rs. 5,00,000/- within 30 days to the complainant, in view of Section 357 of the Code of Criminal Procedure. The Appellate Court has confirmed the said sentence and maintained the judgment passed by the 24th Judicial Magistrate First Class, Nagpur.
3. Heard learned Counsel for the applicant who submitted that the applicant has already deposited the amount of Rs.6,00,000/- towards the

compensation. As far as the merits of the matter is concerned, he has every chance of success in the present appeal. Moreover, the punishment is of a limited period. If the sentence is executed, the revision would become infructuous.

4. Perused the impugned judgment of the learned 24th Judicial Magistrate First Class, Nagpur as well as the learned Additional Sessions Judge, Nagpur. The statement made in the application is to the extent that he has already deposited the compensation amount of Rs.6,00,000/-. Admittedly, the punishment imposed is of a limited period and the revision would take its own time for its final disposal. In the meantime, if the sentence is executed, the revision would become infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

- (i) The application is allowed.
- (ii) The execution of the sentence imposed in Summary Complaint Case No.21334/2015, is hereby suspended till disposal of the present revision application.
- (iii) The applicant shall be released on bail on executing PR bond in the sum of Rs.15,000/- with one solvent surety of the like amount.

The application is disposed of.

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1. Heard.
2. **Admit.**
3. Call for record and proceedings.
4. Revision be listed before the Court after receipt of the record and proceedings.

(URMILA JOSHI-PHALKE, J.)