



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION NO.59 OF 2025

IN

CRIMINAL REVISION APPLICATION NO.35 OF 2025

(Shri Suresh Narayanrao Guddhe Vs. Pragati Credit Co-op. Society Ltd.)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. A.P. Deshmukh, Advocate for the applicant.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MARCH 7, 2025.

By this application, the applicant is seeking suspension of sentence and releasing him on bail.

2. The applicant was prosecuted of the offence punishable under Section 138 of the Negotiable Instrument Act, and he is sentenced to suffer Simple Imprisonment for three months and to pay fine of Rs.3000/- in default to suffer Simple Imprisonment for one month by the Judicial Magistrate First Class, Katol.

3. Being aggrieved with the same, he preferred an appeal which is dismissed and the sentence imposed is confirmed. Hence, this revision.

4. Learned Counsel for the applicant submitted that he has many arguable points in the present revision. Moreover, the punishment imposed is of a limited period, if sentence is executed then the revision will become infructuous. Moreover, he has already deposited the

amount of Rs.1.00 lakh. Considering the same, the execution of the sentence be suspended and the applicant be released on bail.

5. I have heard learned Counsel for the applicant. Perused the impugned judgement passed by the JMFC, Katol as well as Adhoc District Judge-4 and Additional Sessions Judge, Nagpur. Admittedly, the punishment imposed is of a limited period. Learned Counsel for the applicant has pointed out that he has many arguable points in the present revision and there are every chance of success. However, the revision would take its own time for its final decision. The applicant has already deposited the amount of Rs.20,000/- while admitting the appeal. It is apparent that he has also deposited the amount in the respondent – Credit society. Thus, bonafides of the applicant are revealed from the entire receipts. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass following order :

(i) The application is allowed.

(ii) The execution of the sentence imposed in Summary Criminal Case No.258/2010 passed by Judicial Magistrate First Class, Katol and confirmed by the Adhoc District Judge-4 and Additional Sessions Judge, Nagpur in Criminal Appeal No.208/2019 is

hereby suspended till final disposal of the revision.

(iii) The applicant - Shri Suresh Narayanrao Guddhe be released on bail on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty five thousand) with one surety, in the like amount.

6. The application stands disposed of.

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Heard.

2. **ADMIT.**

3. Issue notice to the non-applicant, returnable after four weeks.

4. Call for R. & P.

(URMILA JOSHI-PHALKE, J.)