



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

CRIMINAL APPLICATION NO.91 OF 2025
IN
CRIMINAL REVISION APPLICATION NO.59 OF 2025
(Nitinkumar s/o Gajanan Dhole Vs. Mungutrao Gulabrao Bele)

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

Court's or Judge's Order

Mrs. S.W. Deshpande, Advocate for the applicant.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- APRIL 15, 2025.

Heard.

2. This is an application for suspension of sentence and releasing the applicant on bail.

3. The applicant is convicted of the offence punishable under Section 138 of the Negotiable Instrument Act and sentenced to suffer Simple Imprisonment for 3 years. He is also directed to pay double the amount of cheque i.e. Rs.1,00,000/- along with simple interest at the rate of 9%. The said judgement and order is challenged by the applicant before the Sessions Judge in Criminal Appeal No.14/2023, the same is also dismissed. Hence, this revision.

4. Learned Counsel for the applicant submitted that the revision will take its own time for its final disposal. In the meantime, if sentence is executed then the revision will become infructuous.

5. I have heard learned Counsel for both the sides and on going through the impugned judgement it reveals that the applicant has many arguable points in the present application. It would take its own time for its final disposal. In the meantime, if sentence is executed then revision would become infructuous. The applicant has already deposited the amount of Rs.20,000/- before the trial Court. 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 vide order dated 08/05/2023 passed by the Judicial Magistrate First Class, Sangrampur, Buldhana in S.C.C. No.265/2017 and confirmed by the Additional Sessions Judge, Khamgaon in Criminal Appeal No.14/2023 dated 02/04/2025 is hereby suspended till final disposal of the revision.

(iii) The appellant – Nitinkumar s/o Gajanan Dhole be released on bail on executing PR. 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.

CRIMINAL REVISION APPLICATION NO.59 OF 2025

Heard.

2. **ADMIT.**
3. Issue notice to the non-applicant, returnable after four weeks.
4. Call for R. & P.

(URMILA JOSHI-PHALKE, J.)

**Divya*