



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

CRIMINAL APPLICATION NO.118 OF 2025

IN

CRIMINAL REVISION APPLICATION NO.85 OF 2025

(Umesh s/o Dhanraj Pethe Vs. Dnyaneshwar s/o Vithobaji Gokhale and anr.)

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

Court's or Judge's Order

Mr. S.B. Mohta, Advocate for the applicant.
Ms S.S. Dhote, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- MAY 9, 2025.

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

2. Learned Counsel for the applicant submitted that the applicant was prosecuted of the offence punishable under Section 138 of the Negotiable Instrument Act, 1881 and Additional Chief Judicial Magistrate, Nagpur convicted the present applicant and sentenced to suffer Simple Imprisonment for six months and compensation of Rs.2,00,000/-. The same is confirmed by the Adhoc District Judge-1, Nagpur in Criminal Appeal No.187/2021.

3. Learned Counsel for the applicant submitted that he has many arguable points in the present revision but the revision application would take its own time for its

final disposal. In the meantime, if sentence is executed then the revision would become infructuous.

4. On hearing learned Counsel for both the sides and on perusal of both the judgments of trial Court as well as the appellate Court from which the learned Counsel has pointed out that he has many arguable points. In view of that, the execution of the sentence be suspended and the applicant be released on bail. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The execution of the sentence passed by the Additional Chief Judicial Magistrate (Special Court for S.138 N.I. Act), Nagpur in S.C.C. No.3116/2014 dated 29/11/2021 and confirmed by the Adhoc District Judge-1, Nagpur in Criminal Appeal No.187/2021 dated 28/04/2025 is hereby suspended till final disposal of the revision.

(iii) The applicant – Umesh s/o Dhanraj Pethe be released on bail on executing P.R. Bond in the sum of Rs.15,000/- with one surety, in the like amount.

5. The application stands disposed of.

CRIMINAL REVISION APPLICATION NO.85 OF 2025

Heard.

2. **ADMIT.**
3. Issue notice to the non-applicants.
4. Call for R. & P.
5. Place the revision application before the Court after receipt of R. & P.

(URMILA JOSHI-PHALKE, J.)

**Divya*