



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPR) NO. 135 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 95 OF 2025

Kumudini w/o Shrawan Gawali and another Vs Shri Chakradhar Swami

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

Court's or Judge's Order

Mr. Sudame, counsel h/f Ms. Bhavana Keshao Meshram, counsel for applicants.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 18/06/2025.

1. By this application, the applicants are seeking suspension of sentence and releasing the applicants on bail.
2. The applicants are prosecuted of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The learned trial Court has held the applicants guilty and sentenced them to suffer simple imprisonment for three months and to pay a fine of Rs. 95,000/-. The said judgment and order of conviction was confirmed by Adhoc District Judge-4 and Additional Sessions Judge, Nagpur, in Criminal Appeal No. 178/2019. Both the impugned orders are under challenge.
3. The learned counsel for the applicants submitted that, if the sentence is executed, the entire appeal would become infructuous. Learned counsel further submitted that he has many arguable points in revision application, in

view of that, the execution of the impugned order be suspended and applicants be released on bail.

4. Perused the impugned judgments, from which the learned counsel has pointed out that he has many arguable points. Admittedly, the revision would take its own time for its final disposal, and if the sentence is executed, admittedly the revision would be infructuous. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER.

- a] Criminal application is allowed.
- b] The execution of the sentence passed in Summary Criminal Case (S.C.C.) No. 5080/2016 and confirmed in Criminal Appeal No. 178/2019 is hereby suspended till disposal of revision application.
- c] The applicants are released on bail on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- d] The applicants shall deposit the 25% of the compensation amount if not deposited before the Appellate Court.

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1. Issue notice to respondent.
2. Stand over after **four weeks**.

[URMILA JOSHI-PHALKE, J.]