



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

CRIMINAL APPLICATION (APPR) NO.400 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.138 OF 2023

Amar s/o Sukhdeorao Gedam

Vs.

Kiran s/o Rambhau Bahe

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

Court's or Judge's orders

Mr. A.P.J.P.Dubey, Counsel for the applicant.

Mr. Sumit S. Gandhe, Counsel for the respondent.

CORAM : URMILA JOSHI-PHALKE, J.

DATED : 14/01/2025

1. By this application under Section 389 of the Code of Criminal Procedure, the applicant is seeking suspension of sentence and releasing him on bail.

2. The applicant is the original accused prosecuted for the offence punishable under Section 138 of the Negotiable Instruments Act. After considering the evidence, the learned Judicial Magistrate First Class, Amravati, convicted the applicant and sentenced him to suffer simple imprisonment of one month and compensation of Rs.9,40,000/-. The said judgment is confirmed by the learned Additional Sessions Judge, Amravati and the amount of interim compensation of @ Rs.1,88,000/- was directed to be deposited

immediately. The applicant has filed a Pursis before this Court to show that he has already deposited the amount of Rs.2,90,000/- by adjusting the previous amount earlier paid.

3. It is submitted by the learned Counsel for the applicant that the revision would take its own time for its final decision. In the meantime, if the sentence is executed, the purpose of preferring this revision would be frustrated. He further from the impugned judgment submitted that he has many arguable points in the present revision. In view of that the execution of the sentence be suspended.

4. Learned Counsel for the respondent strongly objected for the same and submitted that the revision itself is devoid of merits, in view of that the application deserves to be rejected.

5. After hearing both sides and on perusal of the documents, it reveals that the applicant has already complied with the order passed by the learned Sessions Judge while confirming the sentence in appeal. Considering the fact that, the punishment is of a limited period and the applicant has already shown that he has many arguable points in the present revision.

6. The implementation and execution of the sentence imposed by the learned Judicial Magistrate

First Class, Amravati and the learned Additional Sessions Judge, Amravati is hereby suspended till disposal of the revision.

7. The applicant shall be released on bail on executing PR Bond of Rs.25,000/- with one solvent surety in the like amount.

8. The complainant is at liberty to withdraw the amount of Rs.2,90,000/- which is already deposited by the accused. The amount be disbursed to the complainant on due identification and verification.

Criminal Revision Application No. 138/2023

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

(URMILA JOSHI-PHALKE, J.)