



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

CRIMINAL APPLICATION (APPR) NO. 172 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 127 OF 2025

(Sunil Kashiram Patil

Vs.

The Maharashtra Agro Industries Development Corporation Ltd.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. K.D. Bhende, Advocate for the Applicant.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 20th AUGUST, 2025

1. By this Revision, the Applicant has challenged the judgment and order of sentence passed in S.C.C. No. 1487/2016 convicting the present Applicant of the offences punishable under Section 138 of the N.I. Act and sentenced him to suffer simple imprisonment for 1 month and to pay fine of Rs.27,71,162/-, in default to suffer simple imprisonment for 15 days. The entire amount was directed to be given to the complainant as compensation. The said judgment and order was suspended by the learned Appellate Court in Criminal Appeal No.100/2025 imposing the condition to deposit 20% of the compensation amount as pre condition. By this Revision the Applicant has challenged the order passed by the Additional Sessions Judge, Akola to

suspend the sentence imposed on the present Applicant.

2. Heard learned Counsel for the Applicant who relied upon the decision of the Hon'ble Apex Court in *Criminal Appeal No. 2741/2023 in Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Ltd., & Ors., decided on 04.09.2023*, wherein it is observed that when the Appellate Court considers the prayer under Section 389 of the Cr.P.C of an accused who has been convicted for offence under Section 138 of the N.I. Act, it is always open for the Appellant Court to consider whether it is an exceptional case which warrants grant of suspension of sentence without imposing the condition of deposit of 20% of the fine/compensation amount. As stated earlier, if the Appellate Court comes to the conclusion that it is an exceptional case, the reasons for coming to the said conclusion must be recorded.

3. He submitted that in view of the observations of the Hon'ble Apex Court no specific reasons are recorded by the Appellate Court while imposing the said condition. Thus, it is not an exceptional case, wherein such directions can be given. In view of that, the execution and implementation of order passed by the Additional Sessions Judge, Akola be stayed.

4. Perused the Application as well as the impugned order passed by the Additional Sessions Judge, Akola. Admittedly, in view of the observations of the Hon'ble Apex Court the reasons are not showing why it is an exceptional

case. In view of that, the execution and implementation of order passed by the Additional Sessions Judge, Akola, is hereby stayed till the appearance of the Non-applicant.

5. The Application is **disposed** of.

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1. Issue notice to the Non-applicant, returnable **after** four weeks.

(URMILA JOSHI-PHALKE, J.)