IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CRIMINAL APPLICATION NO. 4142 OF 2026
IN REVN/342/2026

BHAGWAN VISHWAS MOHITE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
…..

Mr R. A. Shinde, Advocate for Applicant
Mr C. V. Bhadane, APP for Respondent No.1/State
…..

CORAM : SUSHIL M. GHODESWAR, J.

DATE : 09th OCTOBER, 2026

P. C. :

1. This is an application for suspension of substantive sentence imposed upon the applicant by the learned Judicial Magistrate First Class, Court No.8, Aurangabad in S.C.C. No.1916/2015 vide judgment and order dated 09/05/2022, and confirmed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No.78/2022, vide the impugned judgment and order dated 30/09/2026. Applicant further prays for his release on bail.

2. Heard learned Advocate for the applicant and the learned APP for the respondent No.1/State.

3. According to applicant the cheque amount is Rs.6,32,599/-, which was issued on 22/01/2025. The applicant came to be convicted by the learned JMFC vide the order dated 09/05/2022, thereby convicting him under Section 138 of the Negotiable Instruments Act and sentenced him to suffer simple imprisonment for one month and to pay compensation of Rs.12,65,198/- to the complainant within one month of the order, in default to pay compensation, to suffer simple imprisonment for two months.

4. Being aggrieved by the aforesaid impugned conviction, the applicant filed Criminal Appeal No.78/2022 before the learned Additional Sessions Judge, Aurangabad, which came to be dismissed on 30/09/2026. Therefore, applicant has approached before this Court by filing criminal revision application.

5. Learned Advocate for the applicant Mr Shinde submits that the strong and valid grounds are mentioned in the revision application for consideration of this Court. In view of the said strong and legal ground, he submits that there are sufficient chances of succeeding of the applicant in the matter. He further submits that, during the proceedings before the learned Appellate Court, the applicant was on bail and as per the order of the learned Sessions

Court has paid 20% of the cheque amount. He further states that the applicant is again willing to deposit 20% of the cheque amount. He further submits that, in pursuance of the order passed by the learned Additional Sessions Judge in appeal, the applicant has surrendered himself before the learned JMFC and now he is in jail. He, therefore, submits upon instructions that the applicant may be given time of four weeks to deposit the aforesaid amount. He then submits that, since the instant matter is of 2026, it is not likely to be heard in recent future. He, therefore, submits that, during the pendency of instant criminal revision application, the impugned sentence imposed upon applicant may be suspended and he be released on bail.

6. Per contra, learned APP strongly opposes the application and prays for dismissal of the same.

7. Looking to the submissions made by the learned Advocate for the applicant and the learned APP, and considering the quantum of sentence, nature of allegations and the fact that criminal revision application, having been filed in 2026 would take sufficiently long time to be heard and decided, I find that the ends of justice would meet in allowing the instant criminal application for suspension of sentence. Hence, I pass the following order :-

ORDER

(I) The instant criminal application is allowed.

(II) The substantive sentence awarded to the applicant by the learned Judicial Magistrate First Class, Aurangabad, vide judgment and order dated 09/05/2022 in S.C.C. No.1916/2015 and confirmed by the learned Additional Sessions Judge, Aurangabad, vide judgment and order dated 30/09/2026 in Criminal Appeal No.78/2022, is hereby stands suspended till final hearing and disposal of Criminal Revision Application, subject to deposit the 20% of the cheque amount by him before this Court within a period of four.

(III) The Applicant be released forthwith on bail on furnishing P.R. Bond of Rs.25,000/- with one surety in the like amount.

(VII) Bail before the Trial Court.

(VII) It is made clear that, if the aforesaid 20% of the cheque amount is not deposited by the applicant within four weeks from today, this order of suspending substantive sentence shall stand recalled.

CRIMINAL REVISION APPLICATION NO.342 OF 2026

8. Heard learned Advocate for the applicant.

9. Issue notice to the respondents, returnable on 27/11/2026.

10. Learned APP waives service of notice on behalf of respondent No.1/State.

11. Call Record and Proceedings.

12. The parties shall act on authenticated copy of this order.

[SUSHIL M. GHODESWAR, J.]

sjk