IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 CRIMINAL APPLICATION NO.4561 OF 2026
IN
CRIMINAL REVISION APPLICATION NO. 367 OF 2026

Abdul Sattar Abdul Kadar
VERSUS
Nagnath Urban Co-op Bank Ltd, Hingoli,
Thr Recovery Officer Sanjay Tulshiram Aghav
.....
Shri. Amol Gangadharrao Kale, Advocate for Applicant
.....

CORAM : HITEN S. VENEGAVKAR, J.
DATED : 02.11.2026

PER COURT :

. By way of the present Application, the Applicant seeks Suspension of Sentence imposed by the learned Judicial Magistrate First Class (Court No.3), Hingoli, Dist. Hingoli vide the Judgment and order dated 14.10.2019 passed in S.C.C. No.108/2016 for the offence punishable under Section 138 of the Negotiable Instruments Act (in short, 'N.I. Act') which came to be modified by the learned Sessions Judge, Hingoli vide the Judgment and order dated 22.10.2026 passed in Criminal Appeal No.33/2019, whereby the sentence of simple imprisonment for two months imposed by the learned Trial Court was reduced to simple imprisonment for one month, while maintaining the conviction.

2. Learned Advocate for the Applicant submits that, the sentence imposed upon the Applicant is of a short duration of one (1) month

simple imprisonment. The Applicant is already arrested on 19.10.2026 pursuant to the Non-bailable Warrant issued against him during the pendency of the Appeal, on account of his failure to remain present before the Appellate Court. Since then, the Applicant is in custody. The Appeal came to be decided on 22.10.2026 thereby maintaining conviction of the Applicant, however altered sentence of simple imprisonment from two months to one month.

3. Learned Advocate for the Applicant, in addition to the grounds raised in the Application, also submits that, the Applicant is ready and willing to deposit the entire compensation amount awarded to the Respondent-Complainant by way of a Demand Draft in this Court, under protest. Learned Advocate for the Applicant submits that the Demand Draft is ready and that the same shall be deposited with the Registry of this Court today itself.

4. Having regard to the short sentence imposed upon the Applicant, the period of incarceration already undergone by him and his willingness to deposit the entire compensation amount awarded to the Respondent-Complainant, I pass the following order:

ORDER

(i) The Application is allowed.

(ii) The sentence imposed on the Applicant, namely, Abdul Sattar

Abdul Kadar, by the learned Judicial Magistrate First Class (Court No. 3), Hingoli, Dist. Hingoli, vide judgment and order dated 14.10.2019 passed in S.C.C. No. 108/2016 for the offence punishable under Section 138 of the N.I. Act, which conviction has been maintained and the sentence of simple imprisonment for two (2) months has been reduced to simple imprisonment for one (1) month by the learned Sessions Judge, Hingoli, vide judgment and order dated 22.10.2026 passed in Criminal Appeal No. 33/2019, is hereby suspended during the pendency of the Criminal Revision Application, subject to the following conditions:

(a) The Applicant shall deposit the entire compensation amount awarded by the learned Trial Court which has been confirmed by the learned Appellate Court, before the Registry of this Court by way of Demand Draft today itself under protest.

(b) The Applicant, namely, Abdul Sattar Abdul Kadar, be released on bail on furnishing P.R. Bond of Rs.20,000/- (Rupees Twenty Thousand Only), with one or two sureties in the like amount.

(iii) The Application stands disposed of.

(iv) Authenticated copy of this order shall be furnished to the parties to act upon.

(HITEN S. VENEGAVKAR)
JUDGE

GGP