IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 CRIMINAL APPLICATION NO. 4724 OF 2026
IN REVN/377/2026

Kiran Gopichand Bharate
VERSUS
Vyankatesh Jewellers Thro Proprietor Jaiprakash Ramhari Devkar

.....

Mr. Kedar Balbhim R., Advocate for Applicant

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WITH

CRIMINAL REVISION APPLICATION NO. 377 OF 2026

Kiran Gopichand Bharate
VERSUS
Vyankatesh Jewellers Through Propritor Jaiprakash Ramhari Devkar

.....

Mr. Kedar Balbhim R., Advocate for Applicant

.....

CORAM : HITEN S. VENEGAVKAR, J.

DATED : 05.11.2026

PER COURT :

[I] <u>ORDER IN REVISION APPLICATION NO. 377/2026</u> :

1. Heard.

2. Issue notice to the Respondents, returnable on 03.12.2026.

3. In addition to regular notice, applicant shall serve respondent by private Advocate's notice and file affidavit of service before returnable date.

4. In case, the respondents are desirous to file reply, the said reply be filed on or before returnable date, with an advance copy to the other side.

[II] <u>ORDER IN CRIMINAL APPLICATION NO.4724 OF 2026</u> :

1. Heard the learned Advocate for the Applicant.

2. The Applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instrument Act, 1881. The conviction was initially awarded by the learned JMFC, Aurangabad in S.C.C. No.7882/2014 by Judgment and order dated 15.02.2023. The statutory appeal preferred against the said Judgment also same to be rejected by the learned Additional Sessions Aurangabad vide order dated 09.10.2026 passed in Criminal Appeal No.55/2023. The present Revision Application has been preferred challenging the aforesaid judgments and orders.

3. The learned Advocate for the Applicant submits that the Applicant has a good arguable case on merits. However, for the present and for the limited purpose of seeking suspension of sentence, he voluntarily states that the Applicant is ready and willing to deposit 50% of the compensation amount awarded by the learned Trial Court. He further submits that a demand draft dated 04.11.2026 drawn on Bank of Baroda in the name of the Registrar of this Court is ready. The voluntary statement is accepted.

4. The learned Advocate appearing for the applicant is directed to deposit the aforesaid demand draft with the Registry of this Court during the course of the day. Upon receipt of the acknowledgment confirming such deposit, the application for suspension of sentence stands allowed. The conviction and sentence awarded by the learned JMFC, Aurangabad in S.C.C. No. 7882/2014 by judgment and order dated 15.02.2023, as confirmed by the learned Additional Sessions Judge, Aurangabad in Criminal Appeal No. 55/2023, is suspended during the pendency of the present Revision Application.

5. If so advised, the complainant may file an appropriate application for withdrawal of the deposited amount. Upon consideration of such application, appropriate orders shall be passed in accordance with law.

6. The applicant shall be released on bail upon executing a personal bond in the sum of Rs. 15,000/- with one or two sureties in the like amount, to the satisfaction of the learned Trial Court. The applicant shall appear before the learned Trial Court for furnishing the requisite bail bonds and sureties.

[HITEN S. VENEGAVKAR, J.]

Sameer/Nov-2026