



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 CRIMINAL APPLICATION NO. 3332 OF 2025
IN CRIMINAL REVISION APPLICATION (STAMP) NO. 9157 OF 2025
WITH
CRIMINAL APPLICATION NO. 3333 OF 2025
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CRIMINAL REVISION APPLICATION (STAMP) NO. 9157 OF 2025

DNYANESHWAR DINKAR BADVE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Ajinkya S. Mirajgaonkar
APP for Respondent No.1-State : Mr. S. M. Ganachari
Advocate for Respondent No.2 : Mr. P. D. Dadpe
...

CORAM : ABHAY S. WAGHWASE, J.

DATED : 17.02.2026

ORDER :

1. The revision petitioner, a convict for offence under Section 138 of the Negotiable Instruments Act [N.I. Act] vide judgment and order dated 10.09.2024 passed by learned Additional Sessions Judge, Osmanabad (Dharashiv), whereby he has been directed to suffer rigorous imprisonment for one year and to pay fine of Rs.10,000/- and also to pay the compensation of cheque amount i.e. 3,50,000/- with interest @ 6% per annum from the date of complaint till actual payment to the complainant, has preferred the instant revision along

with an application seeking condonation of delay caused in filing the revision as well as an application praying for suspension of the sentence and grant of bail.

2. By order dated 22.09.2025, this Court had directed the applicant to deposit entire amount of compensation along with interest within four weeks. Office remark shows that, in compliance of the said order, an amount of Rs.2,00,000/- (out of Rs.3,50,000/- with interest @ 6% per annum) has been deposited by the applicant on 28.11.2025. Office remark further shows that the applicant has also deposited the fine amount of Rs.10,000/- before the District Court, Osmanabad.

3. In view of the above, and for the reasons mentioned in Criminal Application No. 3332 of 2025, though learned APP as well as learned counsel for respondent no.2-complainant oppose, **the delay of 184 days caused in filing the revision stands condoned.** Registry to register the Criminal Revision Application. Criminal Application No. 3332 of 2025 is accordingly disposed off.

4. Criminal Application No. 3333 of 2025 is filed by the applicant/revision petitioner seeking suspension of above sentence

and for grant of bail. Learned counsel for the applicant pointed out that, present applicant was tried vide SCC No. 1103/2013 for commission of offence under Section 138 of the N.I. Act and the learned JMFC, Osmanabad vide the judgment and order dated 17.10.2018, had acquitted the applicant from the said charge. That, in appeal preferred by the complainant before the Court of Additional Sessions Judge, above conviction came to be recorded, against which applicant has preferred revision before this Court. That, there are no prospects of hearing the revision in near future. He pointed out that, during the proceedings before both the courts below, applicant was on bail and he has paid the fine amount. Consequently, during pendency of revision, he urged to suspend the sentence and grant bail.

5. Learned APP as well as learned counsel for respondent no.2-complainant opposed on the ground that, on complete re-appreciation, the first appellate court has recorded conviction, and therefore they pray to refuse the relief.

6. Heard. Perused the record as well as the impugned order. Statement is made across the bar that applicant was on bail during proceedings before both the courts below, i.e. learned trial court as

well as learned first appellate court. There is no adverse remark of misuse of liberty. Fine amount is said to be paid, and as there are no immediate chances of hearing the revision, application deserves to be allowed. Hence the following order :

ORDER

- I. Criminal Application No. 3333 of 2025 is allowed.
- II. The sentence imposed on the applicant by learned Additional Sessions Judge, Osmanabad (Darashiv) on 10.09.2024 in Criminal Appeal No. 29/2019, stands suspended till final hearing and disposal of the Criminal Revision Application.
- III. The applicant be released on P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount.
- IV. Bail before the first appellate court.
- V. Criminal Application No. 3333 of 2025 is accordingly disposed off.
- VI. The Criminal Revision Application to be listed as per its turn.

[ABHAY S. WAGHWASE, J.]