



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 238 OF 2026
IN REVN/22/2026**

YOGESH SHIVPRASAD GORE

VERSUS

MUNICIPAL COUNCIL AHMEDPUR THROUGH C.E.O MUNICIPAL
COUNCIL

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Advocate for Applicant : Mr. A. M. Reddy h/f. Mr. Vikrant S. Valse
Advocate for Respondent: Mr. Pradip Jadhav h/f. Mr. Vijay Latange

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 10 FEBRUARY, 2026

PER COURT :

1. This is an application for suspension of sentence and grant of bail on account of conviction awarded by learned Judicial Magistrate First Class, Ahmedpur on 21.08.2023 in S.C.C. No.32 of 2011, which came to be confirmed by learned Additional Sessions Judge, Ahmedpur, Dist. Latur in Criminal Appeal No.04 of 2024.

2. It is submitted that, applicant was tried by learned J.M.F.C., Ahmedpur vide S.C.C. No.32 of 2011. That, charge was framed for offence punishable under section 138 of Negotiable Instruments Act and trial culminated into conviction by order dated 21.08.2023. The said order of conviction is questioned by filing of Criminal Appeal bearing No. 04 of 2024, but the first appellate court was pleased to partly allow the same.

3. Learned counsel submitted that, applicant was on bail in the proceedings before the trial court as well first appellate court. That, fine amount, if any, has already been paid. That, sentence awarded is only short term sentence. That, revision is of 2026 and therefore there are no immediate prospects of hearing the revision in near future. That, applicant has a good case on merits in revision, and so during its pendency, it is prayed that, sentence awarded be suspended and the appellant be granted bail.

4. Learned counsel for respondent opposed the application and submitted that, both, the learned trial court as well as first appellate court had meticulously appreciated the evidence and recorded guilt, and therefore he prays to reject the application.

5. After considering the above submissions and on going through the operative part of the judgment of learned first appellate court, it seems that, maximum sentence awarded by first appellate court is one month. Statement is made across the bar that fine amount is already paid. Taking the above submissions into consideration, quantum of sentence and as there are no immediate prospects of hearing the revision, which is of 2026, the sentence awarded is required to be suspended. Hence, the following order is passed :

ORDER

- I. Criminal Application stands allowed.
- II. The substantive sentence imposed on the applicant Yogesh Shivprasad Gore in S.C.C. No.32 of 2011 by the learned J.M.F.C., Ahmedpur, on 21.08.2023, which is confirmed by learned Additional Sessions Judge, Ahmedpur by order dated 13.11.2025 in Criminal Appeal No.04 of 2024, stands suspended till the final hearing and disposal of Criminal Revision Application No.22 of 2026.
- 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. The applicant shall not commit any criminal activity.
- V. Bail before the trial court.

(ABHAY S. WAGHWASE, J.)