



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 402 OF 2026
IN REVN/35/2026**

1. Vimalchand S/o Kasturchand Jain
Age: 64 years, Business,
R/o. C-22, MIDC, Chikalthana,
Aurangabad.
 2. Vivek Dal Mill
R/o. C-22, MIDC, Chikalthana,
Aurangabad.
- ..Applicants
(Orig. Accused)
- Versus
- . Jyotirmay Solar Pvt. Ltd.,
Through its Partner Vijay Jain
Age : Major, Occu. : Business,
R/o. A-2/9, Kasliwal Classic,
Tapadiya Nagar, Aurangabad
at Tapadia Terraces, Adalat Road,
Aurangabad.
- ..Respondent

...

Advocate for Applicants : Mr.Rahul Gajanan Joshi (through VC)

....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 09 FEBRUARY, 2026

ORDER :-

1. Present application is for suspension of sentence and grant of bail on account of judgment and order of conviction dated 26-08-2024 passed by learned Judicial Magistrate First Class (Court

No.23), Aurangabad in SCC No.8748 of 2018 for offence under Section 138 of the Negotiable Instruments Act (NI Act) and as affirmed by learned Additional Sessions Judge, Aurangabad by judgment and order dated 12-01-2026 passed in Criminal Appeal No.211 of 2024.

2. Learned counsel for applicants, who is appearing through Video Conference, makes a statement that he has already deposited Rs.90,000/- in the trial Court. He submits that applicant was on bail during trial. That, sentence awarded by the learned trial Court is for five months. That, applicant has a good case on merits in revision, however, as revision is filed in 2026, it will take time to hear and decide. Therefore, learned counsel prays for suspension of sentence and grant of bail during pendency of revision application.

3. Taking into account the quantum of sentence and as there are no immediate prospects of hearing of the revision, which is filed in 2026, application for suspension of sentence deserves to be allowed. Hence, following order :

ORDER

- (i) Criminal Application No.402 of 2026 is allowed.

- (ii) The substantive sentence imposed on the applicant no.1 by the learned Judicial Magistrate First Class (Court No.23), Aurangabad, in SCC No.8748 of 2018 and confirmed by learned Additional Sessions Judge, Aurangabad on 12-01-2026 in Criminal Appeal No.211 of 2024, stands suspended till final hearing and disposal of Criminal Revision Application No. 35 of 2026.
- (iii) Applicant no.1 - Vimalchand Kasturchand Jain be released on P.R. Bond of Rs.15,000/- (Rs. Fifteen thousand only) with one solvent surety in the like amount.
- (iv) Bail before the trial Court.

(ABHAY S. WAGHWASE)
JUDGE