



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 873 OF 2026
IN CRIMINAL REVISION APPLICATION NO. 74 OF 2026

Shivam Stone Crusher,
Through its Proprietor
Rajabhau s/o Shantaling Wadkar,
Age 66 years, Occ. Business,
R/o Ieet, Tq. Bhoom,
Dist. Dharashiv.

... Applicant

Versus

Vikas s/o Vasudeo Yadav
Age 59 years, Occu. Agri & Business,
R/o Kusum Nagar, Bhoom,
Tq. Bhoom, District Dharashiv.

... Respondent

.....
Mr. Nagesh G. Talekar, Advocate for the Applicant.
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CORAM : ABHAY S. WAGHWASE, J.

DATED : 04.03.2026

ORDER :

1. Not on board. Upon mentioning, taken on board.
2. This is an application for suspension of sentence and grant of bail on account of conviction recorded on 10.06.2024 by learned J.M.F.C., Bhoom in S.C.C. No. 287 of 2020 and affirmed by learned Additional Sessions Judge, Bhoom in Criminal Appeal No. 2 of 2024 by judgment and order dated 26.02.2026.

3. Learned counsel pointed out that, applicant was tried vide above S.C.C. for commission of offence under Section 138 of the Negotiable Instrument Act, 1881. That, case of complainant was that, there was extension of hand-loan to the tune of Rs.7,00,000/- and the cheques issued towards repayment of the same were dishonoured. That, it was specific defence that, there was no hand-loan transaction. Cheques given by way of security are misused and that, there was no legally enforceable debt.

4. He further submitted that, case of accused was not correctly appreciated by learned J.M.F.C. who recorded conviction, and therefore judgment of learned J.M.F.C. was questioned by filing Criminal Appeal No. 2 of 2024, but by order dated 26.02.2026, without properly considered the case put up in appeal, order of trial court has been directly maintained and affirmed, against which revision has been preferred, but it being filed recently, would take long time to be heard and therefore, during pendency of revision, he prays for suspension of sentence and grant of bail.

5. Today matter is taken on board. Notice is yet to be issued. Statement is made across the bar that during proceedings before the court of learned J.M.F.C. as well as learned Additional Sessions Judge, applicant was on bail. Further statement is made across the

bar that Rs.1,00,000/- out of Rs.1,50,000/- fine amount is paid and only Rs.50,000/- is remaining.

6. Considering the nature of proceedings, quantum of sentence and the revision being recent one, would definitely take sufficient time to be heard, relief as prayed deserves to be granted. Hence, following order :

ORDER

- I. Criminal Application No. 873 of 2026 is allowed.
- II. The sentence imposed on the applicant by learned J.M.F.C., Court No.1, Bhoom on 10.06.2024 in S.C.C. No. 287/2020 and confirmed by learned Additional Sessions Judge, Bhoom, District Osmanabad by judgment and order dated 26.02.2026 passed in Criminal Appeal No. 02/2024, stands suspended till final hearing and disposal of Criminal Revision Application No. 74 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. Bail before the trial court.
- V. Criminal Application is accordingly disposed off.

[ABHAY S. WAGHWASE, J.]