

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRI-INTERIM APPLICATION NO. 163 OF 2026
IN
CR. REVISION APPLN. NO. 16 OF 2026

BANDU MAHADEO KAPASE

VERSUS

SAMATA GRAMIN BIGARSHETI SAHAKARI PATSANSTHA MARYADIT
MANGALWEDHA THR DHANANJAY BIMAL MALI

...

Advocate for Applicant : Mr. Abhay A. Jadhavar a/w Mr. Rutik
Kashid a/w. Mr. Milind M. Shedsale

Advocate for Respondents : Mr. P. P. Pujari

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CORAM : SACHIN S. DESHMUKH, J.

Date : 17th April, 2026

ORDER :-

1. Heard learned counsel for respective sides.
2. By this application, the applicant seeks the suspension of the sentence imposed by the learned Additional Sessions Judge, Pandharpur, vide judgment and order dated 08.01.2026 in Criminal Appeal No. 29 of 2018 endorsing the judgment and order dated 24.04.2018 rendered by the learned Judicial Magistrate First Class, Mangalwedha in Summary Criminal Case No. 123 of 2017. The Trial Court convicted the applicant / accused for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment of 1 month and shall pay

fine of Rs. 2,70,000/- .

3. Learned counsel for the applicant submits that the matter has been amicably settled between the parties. It is further submitted that the sentence awarded is of short duration and that the applicant, having been on bail throughout the trial without misusing his liberty, should be granted a suspension of sentence.

4. It is contention of learned Advocate for respondent that prosecution has proved the case beyond the reasonable doubt. Hence, requested to reject the application.

5. I have heard both learned counsel, perused impugned Judgment and Order. The applicant is on bail during the course of trial and has not misused the liberty. The sentence imposed upon the applicant is a short term sentence and this Court would not be in a position to take up the matter for final hearing immediately. Hence, following order.

ORDER

I. The application is **allowed**.

II. The substantive sentence of imprisonment awarded to the

applicant by the learned Additional Sessions Judge, Pandharpur, vide judgment and order dated 08.01.2026 in Criminal Appeal No. 29 of 2018 endorsing the judgment and order dated 24.04.2018 rendered by the learned Judicial Magistrate First Class, Mangalwedha in S. C. C. No. 123 of 2017 is hereby suspended.

III. The applicant be enlarged on bail on furnishing PR Bond in the sum of Rs. 25,000/- (Rs. Twenty Five Thousand Only) and one solvent surety in the like amount.

IV. Applicant shall mark his presence before the the learned Additional Sessions Judge, Pandharpur once in three months on the date assigned by the concerned Court.

The application is disposed of accordingly.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi