

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

CRIMINAL INTERIM APPLICATION NO. 181 OF 2026
IN CR. REVISION APPLICATION NO. 21 OF 2026

AMOL BALASO KODOLKAR
VERSUS
THE KOLHAPUR WOODEN PACKING SAW MILL AND ANOTHER

...
Advocate for Applicant : Mr. Poras N. Shah
Advocate for Respondent No.2 : Mr. Nitin B. Patil
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 22-04-2026

PER COURT:-

1. Heard.
2. By this *interim* application, the applicant seeks suspension of sentence awarded in judgment and order rendered by the learned Judicial Magistrate, First Class, Kolhapur, in Summary Criminal Case No.180 of 2018, dated 09.08.2024 and confirmed by the judgment and order rendered by the learned Additional Sessions Judge, Kolhapur, in Criminal Appeal No.77 of 2024, dated 04.12.2025.
3. The applicant is convicted by the trial court and the same confirmed by the Appellate Court – learned Additional Sessions Judge, Kolhapur, for the offence punishable under Section 138 of the Negotiable Instruments Act. The confirmed sentence awarded by the trial Court is as under :

1. The accused are convicted for an offence punishable under Section 138 of the Negotiable Instruments Act vide Section 255(2) of the Code of Criminal Procedure and sentenced to suffer simple imprisonment for six months.
 2. The accused are jointly and/or severally directed to pay compensation of Rs.5,10,000- (Rs.Five Lac Ten Thousand) to the complainant as per section 357(3) of Cr.P.C. within 30 days from today in default to suffer simple imprisonment for the period of one month.
3. Learned counsel for the applicant submits that the judgments and orders rendered by the trial Courts are perverse. The trial Court has failed to appreciate the issue in its proper perspective and apply relevant provisions of law while arriving at conclusion in the case. There was no legally enforceable liability against the applicant. The trial Court also failed to rebut the presumption of Section 139 of the N.I.Act and has not considered the defence adduced by the applicant. The applicant was on bail during the course of trial and has not misused the liberty. Hence, requested to allow the application.
4. It is contention of learned APP that prosecution has proved the case beyond reasonable doubt. The Trial Court has rendered a well reasoned order and no interference is required in it. Hence, requested to reject the application.
5. I have heard both learned counsel, perused the 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 to suffer simple imprisonment for six months and this Court would not be in a position to take up the matter for final hearing immediately in near future. In that view of the matter, sentence deserves to be suspended. Hence, the order:-

ORDER

- I. The criminal interim application is **allowed**.
- II. The substantive sentence of imprisonment awarded to the applicants by the learned Judicial Magistrate, First Class, Kolhapur, in S.C.C.No.180 of 2018 dated 09.08.2024 and confirmed by the learned Additional Sessions Judge, Kolhapur, vide judgment and order dated 04.12.2025 in Criminal Appeal No.77 of 2024, is hereby suspended.
- III. The applicant/accused be enlarged on bail on furnishing PR Bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand), and one solvent surety, in the like amount.
- IV. Applicant shall mark presence before the concerned Sessions Court, once in three months on the date assigned by the concerned Court.
- V. The criminal interim application is disposed of accordingly.

[SACHIN S. DESHMUKH]
JUDGE

rrd