



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APPR) NO. 44 OF 2026
IN
CRIMINAL REVISION APPLICATION (REVN) NO. 41 OF 2026**

DHANRAJ SHRAWANJI KORDE

Vrs.

M/S ATKAR ENTERPRISES, THROUGH ITS PROPRIETOR SHRI PRAKASH WAMANRAO
ATKAR

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V. B. Palorkar, Advocate for applicant.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 09/03/2026.

1. By this application, applicant is seeking suspension of sentence and releasing the applicant on bail.
2. The applicant was prosecuted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer simple imprisonment for the period of three months and twice of the cheque amount.
3. Being aggrieved and dissatisfied with the same, Criminal Appeal No.334/2019 was preferred which is also dismissed.
4. Heard learned counsel for the applicant who submitted that the applicant has every chance of success in the present revision as the Trial Court as well as First Appellate Court has not considered the aspect of presumption as well as the presumption is rebutted by the

present applicant and legally enforceable debt. He has submitted that he has every chance of success in the present appeal but present revision will take its own time for its final disposal.

5. In the meantime, if the sentence is executed, the revision would become infructuous. He further submitted that by issuing warrant, the applicant is already sent behind the bar. In view of that, he be released on bail.

6. On hearing learned counsel for the applicant and on perusal of the impugned judgment from which the learned counsel has pointed that he has many arguable points, the application for suspension of sentence deserves to be allowed. Accordingly, I proceed to pass following order :-

ORDER

- i] Application is allowed.
- ii] The execution of sentence passed in S.C.C. No.320101/2015 by judgment dated 05/11/2019 and confirmed by the Additional Sessions Judge-1, Nagpur dated 06/03/2026 is hereby suspended, till disposal of the criminal revision.
- iii] Applicant be released on bail on executing PR bond of Rs.25,000/- with one solvent surety in the like amount.
- iv] Application is disposed of.

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- 7. Call for Record and Proceedings.
- 8. Revision application be listed for final disposal on receipt of Record and Proceedings.

9. Issue notice to the non-applicant, returnable on **06/04/2026**.
10. Authenticated copy of this order be supplied to the parties concerned.

[JUDGE]

Choulwar