



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

CRIMINAL APPLICATION APPR NO.78/2026

IN

CRIMINAL REVISION APPLICATION NO.78/2026

Manjusha w/o Jaibharat Deshmukh

..VS..

Shrikant Balkisanji Rathi

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

.....
Shri S.B.Gandhe, Counsel for the Applicant.

CORAM : URMILA JOSHI-PHALKE, J.

DATE : 10/04/2026

1. Heard.

2. This is an application under Section 438(1) of the BNSS 2023 for suspension of substantive jail sentence and for grant of bail.

3. By judgment and order dated 1.8.2022 passed by learned JMFC, Court No.6, Amravati in SCC No.1705/2016, the applicant is convicted for offence under Section 138 of the Negotiable Instruments Act and sentenced to pay fine amount Rs.5,72,040/- and, in default of payment of the fine amount, she is ordered to undergo simple imprisonment for a period of one year, which was confirmed by judgment and order dated 13.3.2026 passed by learned District Judge-6 and Additional Sessions Judge, Amravati in Criminal Appeal No.156/2022.

4. Learned counsel for the applicant has taken me through both judgments impugned and submitted that the applicant has many arguable points in the present revision. The present revision would take its own time for its final disposal. In the meantime, if the sentence is executed, the present revision would become infructuous. He pointed out from judgments impugned that the Trial Court as well as the First Appellate Court has not considered that the present applicant has already rebutted the presumption and, therefore, she has many chances of success in the present revision.

5. After hearing learned counsel for the applicant and going through the judgments impugned, there is a substance in the contention of learned counsel for the applicant.

6. Admittedly, the present revision would take its own time for its final disposal. In the meantime, if the sentence is executed, the present revision would become infructuous.

7. In view of that, the present application deserves to be allowed. Accordingly, I proceed to pass following order:

ORDER

(1) The criminal application is **allowed**.

(2) The judgment and order dated 1.8.2022 passed by learned JMFC, Court No.6, Amravati in SCC No.1705/2016 which was confirmed by judgment and order dated 13.3.2026 passed by learned District Judge-6 and Additional Sessions Judge, Amravati in Criminal Appeal No.156/2022 shall stand suspended during the pendency of the present revision.

(3) The applicant be released on bail on she executing a P.R.Bond of Rs.15,000/- with one solvent surety of the like amount.

The criminal application is **disposed of**.

CRIMINAL REVISION APPLICATION NO.78/2026

- (1) Heard.
- (2) Issue **Notice** to the non-applicant.
- (3) The record and proceeding be called for.
- (4) After receipt of the record and proceeding, the present revision be listed for for final disposal.

(URMILA JOSHI-PHALKE, J.)