

Exh. 1
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ENRI - MHR 008000733222

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Daily Register No. 305 /2022.
Revision Filed on : 15/11/2022.

Presented by SHY MR Shrinik, Adv
on 15/11/22

Superintendent
District Court No. 1 &
Session Court, Gadhinglaj

Criminal Revision No. 38 /2022.

साह

IN THE COURT OF ADDITIONAL DISTRICT JUDGE No. 1.

GADHINGLAJ, AT : GADHINGLAJ.....



1. Shri.Parvati-Shankar Nagari Sahakari
Pat Sanstha Ltd., Uttur, Tal. Ajara,
Dist. Kolhapur through its Manager-
Shri. Prakash Krishna Mohite,
Age 55 Years, Occu. Service,
R/o. Uttur, Taluka Ajara,
Dist. Kolhapur.

- Rev. Applicant
(Ori. Complainant)

/// Versus ///

1. Drakshyani Kuber Magdum,
Age 57 Years, Occu. Business,
R/o. Shriram Apartment,
Near Bhanu Talim, Miraj,
Tal. Miraj, Dist. Sangali.

- Opponent
(Ori. Accused)

Revision : U/s. 397 and 399 of
Criminal Procedure
Code.

Issue notice to
Respondent

Dr 29/11/22
ASS

The above named applicant begs to present this revision against the Judgement and order of Judicial Magistrate First Class, Gadhinglaj in Summary Cri. Case No. **49/2017** dated **03/10/2022** and prays that this Hon'ble Court may be pleased to alter the order of conviction of the accused and enhance the sentence of imprisonment.

GROUND

1. That, the revision applicant is proved his case in the Lower Court behind reasonable doubt.
2. That after the considering all the documentary and oral evidence of the complaint the Lower Court convicted to the accused and passed the following order :-

ORDER

1. *Accused **Drakshyani Kuber Magdum**, is hereby held guilty and convicted vide Section 255(2) of Criminal Procedure Code for an offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer Simple imprisonment for **three (03) months**.*
2. *In addition, accused **Drakshyani Kuber Magdum**, to pay Rs. **2,92,500** (Rs. Two Lac Ninety Two Thousand and Five Hundred only) as a compensation to the complainant vide Section 357(3) of Criminal Procedure code within **three (03) month**, in default to suffer further Simple Imprisonment for a period of **one (01) month**.*
3. *Sentence of imprisonment in this case and in SCC No. 52/2017 SCC No. 54/2017 shall run concurrently.*
4. *Accused to surrender her bail bonds.*

5. *Judgement pronounced in the absence of accused. Issue conviction warrant.*
 6. *Copy of the judgment shall be given to the accused forthwith, free of cost.*
3. That, the Lower Court has passed the sentence of imprisonment for three months which is not adequate. The Lower Court has not considered the main object of legislature while imposing the inadequate sentence.
 4. That, there is no any strong reasons or evidence to take lenient view against the accused while imposing inadequate sentence.
 5. That, the question of leniency while imposing the sentence is not a matter in desecration under the N. I. Act.
 6. That, the order of Trial Court to imposing the minimum sentence without any legal reason is resulting the violation of fundamental principle and main object of N.I. Act.
 7. That, the Hon'ble Court undoubtedly has jurisdiction to enhance the sentence under the revisional power given in the Criminal Procedure Code.
 8. That, the Lower Court pronounced his Judgement on **03/10/2022**. An application for a certified copy of the Judgment was made on **04/10/2022** and copy received on **17/10/2022**. Therefore after the deduction of the above said period the revision is within limitation.

9. **It is therefore prayed that,** your honour may be pleased to kindly allow this criminal revision and alter the order of Lower Court and may impose the sentence up to maximum limit prescribed by the N. I. Act and oblige.

Place : Gadhinglaj.

Date : 15/11/2022.


मनेजर
श्री. पार्वती-शंकर नागरी सह. पतसंस्था
मर्या., उत्तूर ता. आजरा, जि. कोल्हापूर

VERIFICATION

I, Shri. Parvati-Shankar Nagari Sahakari Pat Sanstha Ltd., Uttur, Tal. Ajara, Dist. Kolhapur through its Manager Shri. Prakash Krishna Mohite, Age 55 Years, Occu. Service, R/o. Uttur, Taluka Ajara, Dist. Kolhapur today at present Gadhinglaj do hereby solemnly affirm that, the contents of above Revision Application are true and correct to my best knowledge, and belief and the same are read over and explained to me in Marathi. Hence verification made at Gadhinglaj dated 15/11/2022.

Place : Gadhinglaj.

Date : 15/11/2022.


मनेजर
श्री. पार्वती-शंकर नागरी सह. पतसंस्था
मर्या., उत्तूर ता. आजरा, जि. कोल्हापूर


Advocate

Col. Ref No- 3812

तद्वर तसे अर्जास अर्जा नोंद घेत

म. 15-11-22 तलास अर्जास ता. आजरा

पुणे

आजरा अर्जास रेग्युलर दिवशी कळ्या न

दिला असून तो रजिस्ट्रार

15-11/22


अधिवक्ता