

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

***REVISION APPLICATION (ST) NO.18715 OF 2021  
WITH  
INTERIM APPLICATION NO.2973 OF 2021  
WITH  
INTERIM APPLICATION NO.2972 OF 2021***

Arnold Johny ...Applicant

Vs

Vikram Singh Amar Singh Jaspal  
& Anr.

...Respondents

...

Mr. Vikas B. Shivarkar for the Applicant.

Mr. Jayendra D. Khairnar for Respondent No.1.

Smt.M.R.Tidke, APP for the Respondent No.2-State.

***CORAM : SANDEEP K. SHINDE J.***  
***DATE : DECEMBER 14, 2021.***

***P.C. :***

Applicant's conviction in SCC NO.9810 of 2008 under Section 138 of the Negotiable Instruments Act, 1881 and sentence to pay compensation of Rs.15 Lakhs has been confirmed in Criminal Appeal No.62 of 2012 by the learned Additional Sessions Judge, Pune vide judgment and order dated 30<sup>th</sup> September, 2016. Feeling aggrieved by the conviction and sentence, applicant has filed the

revision alongwith an applications; one seeking condonation of delay and another for suspension of sentence.

2            Heard learned counsel appearing for the respective parties.

3            Mr. Shivarkar, the learned counsel for the applicant, on instructions, submits that dispute has been settled and the applicant has agreed to pay the compensation to the complainant in time bound period. In furtherance thereto, applicant, has filed affidavit-cum-Undertaking, sworn before the Chief Officer, Yerwada Central Jail, Pune. It is taken on record and marked **“X-1” for Identification.**

4            Applicant has undertaken to pay Rs.15 Lakhs in installments and consented, for its’ withdrawal by the complainant. Affidavit is accepted as an ‘Undertaking’ to this Court. Mr. Shivarkar, on instructions, submitted that once the applicant pays the entire compensation amount, applicant shall move an application under Section 147 of the Negotiable Instruments Act, 1881, seeking

compounding of the offence. Statement is accepted.

5            Applicant is in jail since 28<sup>th</sup> November, 2021. He seeks suspension of his sentence for temporary period till he pays the entire compensation amount to the complainant in terms of the Undertaking.

6            Complainant and his advocate are present.

7            In consideration of the facts of the case, the delay caused in preferring the revision is condoned and the Interim Application 2972 of 2021 is allowed in terms of prayer clause (a).

8            That in view of the facts of the case, issue notice in the Revision Application returnable on 14<sup>th</sup> January, 2022. Mr. Jayendra Khairnar waives notice on behalf of the respondent no.1.

9            In consideration of the facts aforesaid and particularly, in view of the Undertaking of the applicant, sentence awarded in SCC

No.9810 of 2018 by the Judicial Magistrate, First Class, Pimpri, Pune is suspended and applicant is directed to be released on temporary bail till 15<sup>th</sup> April, 2022 on executing PR bond in the sum of Rs.25,000/- with one or more sureties in the like amount. Bonds shall be furnished before the trial Court.

10            Applicant shall furnish particulars of his residential address to the trial Court, along with other contact details.

11            List the Revision Application along with Interim Application No.2973 of 2021 to verify the compliance of the Undertaking on 21<sup>st</sup> January, 2022.

(SANDEEP K. SHINDE, J.)0