



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1419 OF 2026
IN REVN/131/2026
WITH
CRIMINAL REVISION APPLICATION NO. 131 OF 2026

SHAIKH GANI MOHAMMAD ISMAIL

VERSUS

SAHARA TRADERS AND BUILDING MATERIAL SUPPLIERS PATHRI
OWNER MOHAMMAD JAVED ABDUL HAMID BAGWAN

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Advocate for Applicant : Mr. Narvade Patil Ravindra B.

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CORAM : ABHAY J. MANTRI, J.

DATE : 21ST APRIL, 2026

PER COURT :

1. Applicant / accused has moved this Application for suspension of order dated 09.01.2026 passed by learned Additional Sessions Judge – 1, in Criminal Appeal No. 22/2019 whereby confirming the judgment and order dated 05.03.2019 passed by the learned Judicial Magistrate First Class (for short, the '*JMFC*') in SCC No. 75/2018, thereby convicted him for the offence punishable under Section 138 of the Negotiable Instruments Act (for short the '*N.I. Act*'), and he is sentenced to suffer simple imprisonment of three months and fine of Rs. 2,30,000/-, till the disposal of the Revision Petition.

2. Heard learned Advocate for the Applicant and perused the impugned orders as well as the record.

3. At the outset, it appears that during the pendency of the trial and Appeal, the Applicant was on bail. However, after passing the order, he did not surrender himself to the Court but preferred this Revision Petition challenging the order passed by the learned Trial Court as well as the Appellate Court. The Revision is pending, and it will take its own time to be finally decided.

4. Having considered the nature of the litigation and finding recorded in the impugned judgment and order, in my view, it would be appropriate to suspend the sentence awarded by learned Judicial Magistrate First Class, vide judgment and order dated 05.03.2019, and confirmed by the learned Sessions Court vide judgment and order dated 09.01.2026, in Appeal No. 22/2019, till the final disposal of the Application subject to the Applicant to deposit 25% out of the fine amount in this Court on or before 04.05.2026.

5. As such, the Application is allowed as prayed, subject to the deposit 25% out of the fine amount in this Court on or before **04.05.2026**, failing which, this order shall stand vacated.

6. The Applicant shall furnish the bail before the learned trial Court on or before **30.04.2026** and file his affidavit of furnishing the bail

in this Court, failing which, the non-bailable warrant will be issued against him.

7. Criminal Application is disposed of.
8. List the Criminal Revision Application on **05.05.2026**.

(ABHAY J. MANTRI, J.)

SPC