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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.4395 OF 2022
IN REVISION APPLICATION NO.370 OF 2022**

**SUNANDA W/O. SANDIP MUNDADA
VERSUS
SANDIP JUGALKISHOR KARWA**

Mr. Kedar S. Warad, Advocate for applicant

CORAM : S. G. MEHARE, J.

DATE : 22nd December, 2022

PC.

1. The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer S.I. for one month and a fine.
2. The learned counsel for the applicant would submit that the applicant has a good case on merit. The evidence has not been properly appreciated and presumptions have been erroneously held against the applicant. After the dismissal of the appeal, the applicant has been taken into custody for execution of the sentence. Hence, the sentence of imprisonment may be suspended.
3. Perused the impugned judgments and orders. The applicant appears to have the grounds for revision. Hence, it would be appropriate to exercise the power under Section 389 of the Code of Criminal Procedure. Thus, the following order :-

(2)

- i) The sentence of imprisonment passed against the applicant to suffer S.I. for one month by the learned Judicial Magistrate First Class, Court No.22, Aurangabad, in S.C.C.No.5507 of 2017, dated 26.04.2019 and confirmed by the learned Additional Sessions Judge, Aurangabad, in Criminal Appeal No.107 of 2019, by order dated 20.12.2022, is suspended till the appearance of the respondent.
- ii) The applicant be released on bail on executing P.B. and S.B. of Rs.50,000/- with one solvent surety of like amount.
- iii) Bail before the learned Additional Sessions Judge, Aurangabad.
- iv) Parties to act upon the authenticated copy of this order.

(S. G. MEHARE, J.)

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