

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

**CRIMINAL APPLICATION NO. 168 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 180 OF 2019**

Anil S/o. Sidram Shriram ...Applicant

Versus

Vikas Sahakari Bank Limited & Anr. ...Respondents

Mr.V.V.Purwant for the Applicant.
Mr.A.R.Patil, APP for Respondent No.2-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 01 APRIL 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. This Criminal Application is moved by the applicant/accused for suspension of sentence and for bail. The applicant/accused is convicted for the offence punishable under section 138 of the Negotiable Instruments Act and is sentenced to suffer R.I. for six months and directed to pay a fine of Rs.80,05,000/-, in default to suffer S.I. for three months by judgement and order dated 21.12.2017 passed by the learned Judicial Magistrate First Class, (Court No.3), Solapur in S.C.C.No.1925 of 2015. The said

order was challenged in Criminal Appeal No. 12 of 2018. The said Appeal was dismissed by judgement and order dated 12.03.2019 passed by the learned Additional Sessions Judge, Solapur. Hence, this application.

3. The learned Counsel for the applicant/accused submits that the applicant/accused was on bail throughout the trial and appeal. It is a bailable offence. He further submits that the applicant/accused has a good case on merits. He further submits that the applicant/accused shall make himself available for hearing of this revision application. He, on instructions, submits that out of Rs. 80,05,000/-, the applicant/accused has already deposited Rs. 11,50,000/- in the trial Court.

4. Learned Prosecutor submits to the order of this Court.

5. Heard. In view of the submissions made by the learned Counsel and considering the nature of the offence, the application is allowed on the following terms:

- (i) The applicant/accused is directed to deposit 10% of Rs. 80,05,000/- within a period of two weeks from today in the Court of the learned Judicial Magistrate First Class, (Court No.3), Solapur;

(ii) The applicant/accused shall be released on bail upon furnishing a P.R.Bond in the sum of Rs. 15,000/- with one or two sureties in the like amount and the impugned sentence shall stand suspended pending revision application, subject to depositing 10% of Rs.80,05,000/- i.e., amount of fine within stipulated period;

(iii) The applicant/accused shall not jump the bail;

(iv) The applicant/accused shall make himself available at the time of hearing of revision application.

6. The original complainant i.e., respondent No.1 is allowed to withdraw the amount, if deposited by the applicant/accused, with necessary undertaking.

7. List Criminal Revision Application on 08.07.2019.

8. Parties to act upon an authenticated copy of this order.

(MRIDULA BHATKAR, J.)