

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's	Office Coram, Court's or Judge's orders.
--	--	--

CRIMINAL APPLICATION NO. 513 OF 2014

DNYANOBA NIVRUTTI GAVHANE
VERSUS
CHANDRAKANT TRIMBAK BARCHE

...
Advocate for Applicant : Mr. Gunale V. D.
Advocate for Respondent No.1: Mr. T. M. Venjane.
APP for Respondent No.2: Mrs. R. K. Ladda.

CORAM: T. V. NALAWADE, J.
DATED: 15th JUNE, 2015.

PER COURT:

1. The application is filed for setting aside the order made on Exhibit-5 in Appeal No.9 of 2014 by learned Additional Sessions Judge, Latur. The Applicant is convicted and sentenced for offence punishable under section 138 of Negotiable Instruments Act. The sentence of fine of Rs.60,000/- only is given. The learned learned Sessions Judge has observed that the sentence of fine is there and it cannot be suspended but the time was given to deposit the amount. It appears that the convict, applicant did not deposit the amount even when the first order was made on 6th January, 2014.

2. It is settled law that when there is sentence given the Court is not expected to suspend the sentence by

giving blanket order and there has to be some condition considering the object behind the enactment and making provision of section 138 of Negotiable Instruments Act. This Court holds that the convict needs to deposit at least 50% of the fine amount to get the relief of suspension and suspension can be given in respect of remaining amount i.e. Rs.30,000/-. In view of this, applicant is given 7 days time to deposit Rs.30,000/- in Sessions Court in aforesaid appeal. If the amount is not deposited there will be liberty to execute the conviction warrant and sending the applicant behind bars for suffering sentence in default. If the amount is deposited the Sessions Court is expected to expedite the appeal. In any case the appeal is to be decided within 3 months from the day of receipt of this Court.

3. Authenticated copy of this order is permitted to both the sides.

4. The application is disposed of in aforesaid terms.

[T. V. NALAWADE, J.]

Dt.15/06/2015
ans/513