

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 60 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 26 OF 2015

MR. MAXIMOS EKKA, AT PRESENT IN
AGUAD JAIL.

... Applicant

Versus

MR. SANTOSHKUMAR S. SINGH AND
ANR.,

... Respondents

Mr. Sebastian Vales, Advocate for the applicant.
None for the respondents.

Coram:- K. L. WADANE, J.

Date:- 2nd March, 2015

P.C.

Heard Mr. S. Vales, learned counsel for the applicant.

2. The learned advocate for the revision petitioner has given private notice to the learned counsel of the respondent/complainant.

3. This is an application for suspension of sentence of imprisonment awarded by the Judicial Magistrate First Class, Mapusa in Criminal Case No. 827/P/2009/E, dated 16/11/2013, by which the accused convicted under the provision of the Section 138 of Negotiable Instrument Act and sentenced to undergo simple imprisonment for a period of three months. The accused is directed to pay the complainant a compensation of Rs.3,80,000/- under the provision of Section 357 of Criminal Procedure Code. The accused then preferred Criminal Appeal No.126/2013, which came to be dismissed by the learned Additional Sessions Judge, Mapusa on 26/02/2015. The

learned advocate has submitted that the applicant is in jail. The applicant has deposited 25% of the compensation in the trial Court. In such circumstances and taking note of the fact that the applicant was released on bail during the pendency of trial as well as appeal, I find it appropriate and in the interest of justice to pass the following order ;

ORDER

1. The operation of the sentence imposed by the impugned judgements dated 16/11/2013 and 26/02/2015, passed by the learned J.M.F.C., Mapusa and the learned Additional Sessions Judge, Mapusa respectively are suspended and the applicant is directed to be released on bail subject to furnishing Personal Bond with one surety in the like amount to the satisfaction of the learned J.M.F.C., Mapusa.
2. The applicant shall remain present in this Court at the time of final hearing of the above petition.
3. The applicant shall not leave the country without seeking permission from this Court.
4. The application stands disposed of accordingly.

K. L. WADANE, J.

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