

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

CRIMINAL WRIT PETITION NO.158 OF 2015

Bhagwan Balu Gosavi

...Petitioner

Versus

Ganesh Sitaram Gavali & Anr.

...Respondents

.....

Mr. Gaurang Jhaveri i/b. Mr. Amey Deshpande for the
Petitioner.

None for Respondent No.1

Mr. J.H. Ramugade, APP for Respondent No.2 - State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 10th SEPTEMBER, 2015.

P. C. :

The Petitioner herein is the accused in C.C. No.4915 of 2012 filed before Judicial Magistrate, First Class, Nashik for the offence punishable under section 138 of the Negotiable Instruments Act. The learned Magistrate vide judgment dated 8th October, 2014 held the Petitioner guilty of the offence punishable under section 138 of the Negotiable Instruments Act and sentenced him to undergo rigorous imprisonment for one month and to pay Rs.30,00,000/- to the complainant towards the compensation. The Petitioner had preferred an appeal against the said judgment bearing Criminal Appeal No.203

of 2014 before the Sessions Judge at Nashik. The learned Sessions Judge, Nashik, by order dated 7th November, 2014 suspended the execution of sentence on furnishing personal bond of Rs.15,000/- with one solvent surety in the like amount. The Petitioner was also directed to deposit a cash of Rs.5,00,000/- within a period of one month. Being aggrieved by the said condition, the Petitioner has preferred this petition.

2. On perusing the record it reveals that the cheque, which was dishonoured was of Rs.30,00,000/-. The learned counsel for the Petitioner has submitted that the learned Sessions Judge has extended the time to deposit cash of Rs.5,00,000/- from time to time. However, the Petitioner has not deposited the same and has not given him any further instructions despite his best efforts to contact him.

3. Considering the fact that the cheque was issued for Rs.30,00,000/-, the condition to deposit Rs.5,00,000/- cannot be considered as onerous. There is no merit in the petition. Hence, the writ petition is dismissed.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Judgment /order.