

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 148 OF 2015

Prakashchandra Tekchand Achhpal .. Applicant

Versus

State of Maharashtra & Anr. .. Respondents

Smt. Pravina J. Kanani i/b P. A. Thakkar, Advocate for the applicant

Mr. D. R. More, APP for the respondent-State.

CORAM:-M.L. TAHALIYANI,J.

DATED : -24/02/2015

P.C.

Heard learned advocate for the applicant.

2 The applicant has been convicted for the offence punishable u/s 138 of Negotiable Instruments Act, by the Magistrate. He has filed appeal before the Sessions Court. He has been directed to deposit Rs.4 lakhs by the appellate Court so that substantive sentences imposed on him could be suspended. The total amount of compensation awarded by the

Magistrate to the complainant is Rs.9 lakhs. It need not be stated here that during the course of hearing of appeal, the facts of the case and evidence could be re-evaluated by the appellate Court.

3 In the circumstances, interim order appears to be little onerous, hence, I modify the order as under:

The substantive sentences imposed on the applicant by the trial Magistrate shall remain suspended during the pendency of appeal No. 30 of 2015, on payment of Rs.2 lakhs by the applicant in the appellate Court.

4 The application stands disposed of.

(JUDGE)

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