

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

CRIMINAL WRIT PETITION NO. 775 OF 2015

Naseer Ahmed

.. Petitioner

v/s.

M/s. Akbar Travels of (I) Pvt. Ltd. & Ors.

..Respondents

Mr. Akhilesh Dubey a/w Mr. A.A. Khan, Ritika Gupta i/b Devendra B. Singh for the petitioner

Mr. O.S. Kutty for the respondent no.1

Mrs. R.V. Newton, APP for the State

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 14th OCTOBER, 2015.

P.C.

1. Heard the learned Counsels for the respective parties. Rule.

By consent, Rule made returnable forthwith.

2. The petitioner has challenged the order dated 17.12.2015 whereby the learned Additional Sessions Judge dismissed the application for suspension of sentence passed by the learned Metropolitan Magistrate, 71st Court, Mazgaon, Mumbai in C.C. No. 3610 of 2014.

3. The respondent no.2 had filed a complaint against the petitioner for offence under Section 138 of the N.I. Act. By the judgment and order dated 04.09.2014, the learned Magistrate held the petitioner guilty of the offence under Section 138 of the N.I. Act and sentenced him to suffer simple imprisonment for 6 months and fine of Rs.5,000/- and further directed to pay compensation of Rs.5,50,000/-.

4. The learned Counsel for the petitioner, under instructions, has stated that the petitioner is ready to pay 20% of the cheque amount within six weeks. The petitioner to pay the first installment of 10% within 4 weeks and the balance 10% would be paid by 6th week. Both the parties have submitted that the petition be disposed of in terms of the said statement, leaving all points and contentions open.

5. In the light of the statement made and without going into

the merits of the case, the impugned order is quashed and set aside. The execution of the sentence in C.C. No. 3610 of 2014 stands suspended. The petitioner to deposit 20% of the cheque amount within six weeks in two installments as undertaken.

6. The Writ Petition is disposed of.

(ANUJA PRABHUDESSAI, J.)