

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

**CRIMINAL APPLICATION NO.202 OF 2015
IN
CRIMINAL REVISION APPLICATION NO.213 OF 2015**

Kamlesh Sundarlal Shah

...Applicant

Versus

Development Credit Bank Ltd. & Anr.

...Respondents

.....

Mr. M.N. Devlekar for the Applicant.

Ms R.V. Newton, APP for Respondent No.2-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 7th SEPTEMBER, 2015.

P. C. :

Not on board. Taken on board.

2. The Applicant herein is accused in C.C. No.16305/SS/2010 filed before the Metropolitan Magistrate, 72nd Court, Vikhroli, Mumbai. By judgment dated 16th March, 2013, learned Magistrate had held the Applicant guilty of offence punishable under section 138 of the Negotiable Instruments Act (hereinafter referred to as 'the Act') and sentenced him to undergo simple imprisonment for six months and to pay compensation of Rs.47,562/-.

3. The criminal appeal No.205 of 2013 filed against the said judgment has been dismissed by the Sessions Court, Greater Mumbai by judgment dated 10th March, 2015. The Applicant has filed the revision application challenging the order of conviction and sentence. During the pendency of the revision application, the Applicant has sought suspension of substantive sentence imposed on him.
4. Learned counsel for the Applicant submits that the Applicant has already deposited sum of Rs.5,000/- before the learned Metropolitan Magistrate, Vikhroli, and that he is ready to deposit an amount of Rs.20,000/- within a period of two weeks from the date of this order.
5. Considering the facts of the matter and in the light of the above statements, execution of substantive sentence imposed on the Applicant by the Trial Court in C.C. No.16305/SS/2010 and confirmed by the Appellate Court in criminal appeal No.205 of 2013 is suspended till the disposal of the revision application No. 213 of 2015.
6. The criminal application stands disposed of.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

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