

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

CRIMINAL APPLICATION NO. 217 OF 2015
IN
CRIMINAL APPEAL NO.628 OF 2013

Dinesh Kanakia .. Applicant

v/s.

State of Maharashtra & Ors. ..Respondents

Mr. K.C. Tiwari i/b Y.R. Dube for the applicant
Mrs. R.V. Newton, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 4th SEPTEMBER, 2015.**

P.C.

1. Heard.

2. The applicant is the original accused in C.C. No. 2112/SS/2012 filed before the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai under Section 138 of the N.I. Act The applicant has been convicted and sentenced to undergo simple imprisonment till rising of the Court and to pay compensation of Rs.1,70,000/- in default to undergo R.I. for one month. By

order dated 09.04.2015, Appeal No. 628 of 2013 filed against the said order has been dismissed by the learned Additional Judge, Greater Bombay.

3. Learned Counsel for the applicant has submitted that he has already deposited some of Rs.34,000/- before the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai and Rs.30,000/- before the Sessions Court, Greater Bombay at Bombay. He further undertakes to deposit a sum of Rs.50,000/- within two weeks from today.

4. Considering that the applicant was already on bail during the pendency of the trial and also considering the statement that he is ready to settle the dispute, the application is allowed. The substantive sentence passed by the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai, which is confirmed by order dated 09.04.2015 passed by the Additional Sessions Judge, Greater Bombay is suspended till the disposal of the Criminal Revision Application.

5. The applicant is directed to furnish bail bonds to the satisfaction of the Sessions Court, Greater Bombay at Bombay to the tune of Rs.10,000/- with one surety in the like amount. The applicant is also directed to deposit a sum of Rs.50,000/- before the Sessions Court, Bombay within a period of two weeks from today.

(ANUJA PRABHUDESSAI, J.)

Certificate

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