

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

CRIMINAL WRIT PETITION NO. 2300 OF 2015

Mr.Pradeep D. Ailani

..Petitioner

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. S.A.Malkani for the Petitioner.

Mr.S.H.Joshi for the Respondent.

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

**CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : SEPTEMBER 08, 2015.**

P.C.

1. Heard learned Counsel for the petitioner. The record reveals that the petitionenr had issued three cheques for total amount of Rs.2,00,000/-, in favour of the respondent no.2. The said cheques were dishonoured and proceedings were initiated against the petitioner under Section 138 of the Negotiable Instruments Act.

2. The learned Magistrate has held the petitioner guilty of offence

under Section 138 N.I.Act and in addition to sentence of imprisonment has directed the petitioner to pay compensation of Rs.2,25,000/-. The petitioner has challenged the order in Appel No.235 of 2014 wherein the petitioner has been directed to deposit Rs.75,000/-.

3. Aggrieved by the said condition, the petitioner has filed the present petition. The cheque is Rs.2,25,000/-. The amount ordered to be deposited is less than 50% of the cheque amount. The condition is not onerous. No ground is made out to interfere with the said order. The petition is therefore not maintainable and is hereby dismissed.

4. At this stage, the learned Counsel for the petitioner seeks time to deposit the said amount. He submits that the petitioner will deposit the entire amount of Rs.75,000/- in three instalments of Rs.25,000/- each. The first instalment of Rs.25000/- will be paid on 21.9.2015 and the balance amount of Rs.50,000/- will be paid in two equal instalments in the following two months. The said statement

is accepted. The petitioner to deposit the amount of Rs.75,000/- in three instalments as stated above.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

Certified to be true and correct as per the original signed judgment/order.