

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

CRI. WRIT PETITION NO. 2433 OF 2015

Shri Charandas Gulabsingh Narang ... Petitioner.

V/s.

M/s. Bharucha Stone and Sand & Anr. ... Respondents.

Mr. M. L. More i/by Mr. Sagar P. Batavia, Advocate for the
Petitioner.

Mr. Jaydeep Deo, Advocate for Respondent No.1.

Mr. S. H. Yadav, APP for the State.

CORAM : A.V. NIRGUDE, J.

DATE : 04th DECEMBER, 2015.

P.C. :

1 This writ petition challenges the order of the lower court, directing the petitioner to deposit Rs.6,40,000/- as a condition precedent for suspending substantive sentence awarded to him by the trial court. This order is passed in criminal appeal no. 172 of 2014, pending before the Sessions Court, Pune. This petition is filed, challenging the judgment of conviction and sentence passed against the petitioner.

2 Having regard to the facts of the case, I am inclined to reduce the amount to Rs. 2,50,000/- , as condition precedent for suspending the sentence.

3 Hence, the petition is partly allowed. The order of the lower court is modified as under :

- i. The Petitioner shall deposit Rs.2,50,000/- in the trial court for getting suspension of substantive sentence, even without depositing fine amount.
- ii. If such amount is not deposited within four week from today, the Petitioner is liable to be sent to jail for serving the substantive sentence.

4 The petition stands disposed of in the above terms.

(A.V. NIRGUDE, J.)

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