

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

CRIMINAL WRIT PETITION NO. 3245 OF 2015

Tushar Vasudev Nagraj

.. Petitioner

v/s.

Mandar V. Durve & Ors.

..Respondents

Mr. Jitendra H. Oak for the petitioner

Mr. Sagar Joshi for respondent no.1

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

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 31st AUGUST, 2015.**

P.C.

1. The petitioner herein has challenged order dated 24.07.2015, whereby the learned Sessions Judge while suspending the substantive sentence, directed the petitioner to deposit compensation of Rs.4,00,000/- within one month.

2. The petitioner has been held guilty of offence under Section 138 of the N.I. Act and was sentenced to under go S.I. For one month and pay compensation of Rs.13,00,000/- in default to

undergo S.I. For two months. The appellate Court while suspending the substantive sentence has directed the petitioner to deposit Rs.4,00,000/- within one month.

3. It is pertinent to note that the amount ordered to be deposited is less than 50% of the cheque amount being Rs.10,00,000/-. The condition to deposit Rs.4,00,000/- is not onerous and I find no reason to interfere with the impugned order.

4. At this stage, learned Counsel for the petitioner on instructions, made a statement that he is ready to deposit compensation of Rs.4,00,000/-, as directed by the learned Additional Sessions Judge, Kalyan in Criminal Appeal No.55 of 2015 in four installments of Rs.1,00,000/- each. He submits that the first installment will be deposited in the trial Court on 7th September, 2015. The said proposal is acceptable to the respondent no.1.

5. In the light of the said statement made by the respondent

no.1, time to deposit the compensation is extended by four months. The petitioner shall deposit Rs.1,00,000/- on 7th September, 2015 and the balance amount in three equal installments of Rs.1,00,000/- each within four months from the date of the order.

6. The Writ Petition stands disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)