

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

CRIMINAL WRIT PETITION NO. 3433 OF 2015

Ulhas Bapalal Mehta

..Petitioner

v/s.

M/s. Melwani Finance Ltd. & Anr.

..Respondents

Mrs.Prabha Uday Badadare for the Petitioner.

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

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : SEPTEMBER 07, 2015.

P.C.

1. Heard learned Counsel for the petitioner. The petitioner herein was the accused in C.C.No. 2305193/SS/2009 filed before the learned Metropolitan Magistrate's 23rd Court, Esplanade, Mumbai for the offence punishable under Section 138 of the Negotiable Instruments Act.

2. By order dated 6.7.2015 the learned Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai convicted the applicant accused and sentenced him to undergo S.I. for 6 months and further to pay

compensation of Rs.40 lakhs with future interest at the rate of 11% per anum from the date of dishonour of the cheque. The said amount was to be deposited within one month from the date of the order. The applicant accused had challenged the said order in Criminal Appeal No.660 of 2015. The applicant had also filed an application being Misc. Application No.2067 of 2015 for suspension of the substantive sentence.

3. By order dated 4.8.2015 the learned Addl. Sessions Judge suspended the substantive sentence on condition that the petitioner deposits 50% of the cheque amount. He was directed to deposit Rs.5 lakhs on the date of the order and the balance amount was to be deposited within 6 weeks from the date of the order. Pursuant to the said order, the petitioner deposited Rs.5 lakhs in the Sessions Court. The present petition challenges the said direction to deposit the balance amount of Rs.15 lakhs within six weeks.

4. The cheque amount was Rs.40,00,000/- and by the impugned order, the petitioner has been directed to deposit 50% of the cheque

amount. The condition is not onerous. The petition is therefore liable to be dismissed.

5. At this stage, the learned Counsel for the petitioner, upon instructions, submitted that the petitioner is willing to deposit the balance amount of Rs.15 lakhs before the Sessions Court, Gr. Mumbai, in three instalments of Rs.5 lakhs each, within period of six weeks from the date of this order.

6. Under the circumstances the petition is dismissed. The petitioner to deposit the balance amount of Rs.15 lakhs before the Sessions Court in three equal instalments of Rs.5 lakhs each, within the period of six weeks from the date of the order. Petition stands disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)

CERTIFICATE

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