

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.269 OF 2014
IN
CRIMINAL REVISION APPLICATION NO.320 OF 2014

Sunil Kumar ..Applicant
-Versus-
Arya Omnitalks Wireless Solutions
Pvt. Ltd. and Anr. ..Respondents

Mr.Raghuvanshi i/b. Ratnesh Dube for applicant
Mrs.P.P.Bhosale, APP for State
Mr.Omkar Nevagi i/b. Abhay Nevagi for respondent No.1

CORAM : M.L.TAHILIYANI, J.

DATE : 7th January 2015.

P.C.

1] Heard learned Counsel Mr.Raghuvanshi for the applicant and Mr.Nevagi for respondent No.1. The petitioner/ applicant has been convicted for the offences punishable under section 138 of the Negotiable Instruments Act by the learned learned Magistrate and has been directed to pay a fine of Rs.22 lakhs. The time limit granted by the Magistrate has already expired. The appeal has also been dismissed. The applicant has deposited Rs.5,50,000/- in

sessions court during the pendency of the appeal.

2] It is submitted by Mr.Raghuvanshi that there is prima facie a good case for the applicant to contest as the goods supplied by respondent No.1 were defective and that issue was not properly dealt with by the learned Trial Judge. In view thereof I am of the view that the applicant is entitled to be released on bail. I am also of the view that the applicant shall deposit Rs.4,50,000/- with the sessions court, making the total amount of deposit to Rs.10 lakhs during the pendency of the revision application.

3] The applicant be, therefore, released on bail in the sum of Rs.15,000/- with one solvent surety in the like amount. The applicant shall deposit Rs.4,50,000/- in the sessions court within four weeks from today.

4] In the event of his failure to deposit the amount, the bail order shall stand revoked without reference to the court. The amount already deposited and further deposited in pursuance to this order shall be invested in the fixed deposit by the Registrar of sessions

court.

5] The sentence for payment of rest of the amount of fine shall remain suspended until further orders of this Court. The revision shall be heard expeditiously. It shall be listed for final hearing in the week commencing from February 2015.

(M.L.TAHILIYANI, J.)