

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

**CRIMINAL APPLICATION NO. 438 OF 2015
(FOR BAIL)**

in

**CRIMINAL REVISION APPLICATION NO.502 OF 2015
(FOR SUSPENSION OF SENTENCE)**

WITH

CRIMINAL APPLICATION NO. 439 OF 2015

IN

CRIMINAL REVISION APPLICATION NO. 502 OF 2015

Beena @ Bina Ashwin Chheda

.. Applicant

v/s.

The State of Maharashtra & Anr.

..Respondents

Mr. Jatin Shah Sanchankita Munj for the Applicant.

Smt. Beena Chheda, applicant present.

Mr.J.H.Ramugade PP , for the Respondent-State

APP for the State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : OCTOBER 30, 2015.

P.C.

1. The applicant herein was an accused in C.C.No. 45/SS/2011 filed before the Metropolitan Magistrate's 6th Court, Mazgaon, Sewree, Mumbai, filed under Section 138 of the Negotiable Instruments Act.

2. By judgment dated 20.12.2013 the applicant has been convicted for offence under Section 138 of N.I.Act and sentenced to undergo S.I. for 45 days and to pay compensation of Rs.2 lakhs with further interest and costs. The Criminal Appeal No.49 of 2014 filed against the said judgment has been dismissed by the Sessions Court, Gr. Bombay by judgment dated 8.10.2015. Aggrieved by the said judgment the applicant accused has preferred this revision and during the pendency of the revision has prayed for bail as well as for suspension of sentence.

3. The learned counsel for the applicant submits that he has already deposited the sum of Rs.25,000/- before the Metropolitan Magistrate's 6th Court, Mazgaon, Mumbai and Rs.15,000/- before the Appellate Court i.e. Sessions Court. Learned Counsel for the applicant, on instructions from the applicant, submits that the applicant is ready to deposit additional amount of Rs.50,000/- during the pendency of this appeal.

4. In the light of the above statement the applicant is directed to be released on bail on the applicant furnishing bail bond of Rs. 5000/- to the satisfaction of the learned Metropolitan Magistrate,

Mazgaon Court, within eight days from the receipt of the order.

5. The applicant shall deposit Rs.50,000/- in three instalments within three months from the date of receipt of the order in the trial court.
6. In view of the above the execution of sentence is suspended during the pendency of revision application.
7. Parties to act on the authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)