

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 151 OF 2016
IN
REVISION APPLICATION NO. 164 OF 2016

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr.Rajesh S. Patil for applicant
Mr. D.R. More,APP for State.

CORAM : A.S. GADKARI, J.
DATE : 15th March 2016.

P.C.:

- 1] This is an application for suspension of substantive sentence imposed upon the applicant.
- 2] The J.M.F.C, Rajapur, District-Ratnagiri by its judgment and order dated 1.11.2014 in SCC No.213 of 2013 convicted the applicant under Section 138 of the Negotiable Instruments Act and sentenced him to suffer rigorous imprisonment for five months. By the said order, the applicant is also directed to pay an amount of Rs.4,50,000/- by way of compensation to the complainant and in default of payment of the said compensation, the applicant to undergo further rigorous imprisonment for two months. The Criminal Appeal bearing No.43 of 2014 preferred by the applicant has been dismissed by the Additional Sessions Judge, Ratnagiri by its judgment and order dated 11.3.2016.

3] The learned Counsel for the applicant submitted that the applicant has undergone bypass surgery in the month of November 2015 at Sushilaben Mehta Cardiac Institute, Mumbai and due to financial difficulties he is unable to deposit the entire compensation amount imposed upon him. He therefore submitted that the applicant may be directed to deposit reasonable amount towards the compensation awarded by the Trial Court

4] In view of the same, the substantive sentence imposed upon the applicant is hereby suspended subject to applicant deposits Rs.2 lacs in the Registry of the Trial Court within a period of three weeks from today. If the applicant fails to deposit the said amount within the aforesaid stipulated period, the suspension of the substantive sentence shall stand vacated without further reference to this Court.

5] The Criminal Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)