

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

WRIT PETITION NO.1383 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. Sachin P. i/b Vikas Kolekar for Petitioner.
Mr. Deepak Thakare, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 16th April 2016.

P.C.:

- 1] Heard the learned Counsel for the petitioner.
- 2] By the present petition, the petitioner has challenged the order dated 10.3.2016 passed by the learned Sessions Judge, Sangli below Exhibit 5 in Criminal Appeal No.56 of 2016. The petitioner is the original accused in SCC No.240 of 2014. By the Judgment and Order dated 11.2.2016 passed by the Judicial Magistrate First Class, Palus, District-Sangli in SCC No.240 of 2014 the petitioner has been convicted under Section 138 of Negotiable Instruments Act and has been sentenced to suffer rigorous imprisonment for one year. By the same Judgment and Order, the petitioner has been directed to pay compensation of Rs.6.00 lacs to the complainant.
- 3] The petitioner has preferred Criminal Appeal No.56 of 2016, being aggrieved by the Judgment and Order passed by the Trial Court. The petitioner also filed application below Exhibit 5 seeking suspension of substantive sentence and releasing on bail. The Appellate Court by the impugned order dated 10.3.2016 allowed the said application below Exhibit

5 and released the petitioner on bail on his furnishing PR bond and surety bond of Rs.10,000/-. The Appellate Court by the said order suspended the impugned Judgment and Order passed by the Trial court subject to the condition that the petitioner to remain present in the Court on each date of hearing and the petitioner is further directed to deposit Rs.50,000/- before the Appellate Court on or before every 10th day of month towards payment of compensation till realisation of the entire compensation. The second part of the impugned order I.e. to deposit Rs.50,000/- before the Appellate Court on or before every 10th day of month towards payment of compensation till realization of entire compensation is questioned by the petitioner in the present petition.

4] During the course of hearing of the present petition, this Court had suggested the petitioner to deposit a lumpsum amount of Rs.3 lacs towards compensation in the Registry of the Appellate Court to which the learned Counsel for the petitioner on instructions acceded to and submitted that the petitioner may be granted four weeks time to deposit Rs.3 lacs in the Registry of the Appellate Court. The statement is accepted.

In view of the above, the second part of the impugned order dated 10.3.2016 is hereby modified and the petitioner is directed to deposit Rs.3 lacs by way of cash or Demand draft in the Registry of the Appellate Court within a period of four weeks from 20th April 2016. It is made clear that the present order is passed on the basis of statement made by the learned Counsel for the petitioner and the said period will not be extended on any count.

5] The petition is allowed in the aforesaid terms.

(A.S. GADKARI, J.)

