

FARAD CONTINUATION SHEET NO.  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
  
**CRIMINAL APPLICATION NO. 16 OF 2016**  
**IN**  
**REVISION APPLICATION NO. 23 OF 2016**

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

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Court's or Judge's orders

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Mr. R.N. Gite for applicant.  
Mr. Deepak Thakare, APP for State.

CORAM : A.S. GADKARI, J.  
DATE : 10<sup>th</sup> March 2016.

**P.C.:**

1] This is an application for suspension of substantive sentence imposed upon the applicant by the judgment and order dated 9<sup>th</sup> January 2014 passed by the Metropolitan Magistrate, 20<sup>th</sup> Court, Mazgaon, Mumbai and confirmed by the Appellate Court by its judgment and order dated 5<sup>th</sup> December 2015.

2] The Trial Court has convicted the applicant under Section 138 of the Negotiable Instruments Act and sentenced him to suffer R.I. for six months. The Trial Court has also directed that the applicant to pay a compensation of Rs.3 lacs with interest accrued thereon at the rate of 9% per annum from 15.2.2007 till the complete satisfaction of the compensation amount.

3] The learned Counsel for the applicant fairly submitted that as of today the applicant is liable to pay approximately an amount of

Rs.5,50,000/-. That his client has already deposited an amount of Rs.60,000/- during the pendency of the appeal. He further submitted that the applicant is trying to explore the possibility of settlement out of the Court.

4] However, it is to be noted here that the applicant is convicted and his conviction has been upheld by the Appellate Court. The Revision Application against the the said concurrent finding has been admitted by this Court.

5] In the circumstances, the substantive sentence imposed upon by the Trial Court is hereby suspended till final hearing of the Revision Application subject to condition that the applicant shall deposit an amount of Rs.5 lacs in the Registry of Metropolitan Magistrate, 20<sup>th</sup> Court, Mazgaon, Mumbai within a period of two weeks from today. If the applicant fails to deposit the said amount within the aforestated stipulated period, the suspension of the substantive sentence shall stand vacated and the Trial Court to take steps for implementing the judgment and order dated 9<sup>th</sup> January 2014.

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

**(A.S. GADKARI, J.)**