

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL APPLICATION NO. 22 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 29 OF 2016

Akhatar Akbar Sayyad

.....Applicant

V/s.

The State of Maharashtra and another

....Respondents

Mr. Satish Mishra for Applicant

Mrs. A. A. Mane APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : FEBRUARY 1, 2016.

PC :

Not on board. Upon production, taken on board.

Heard. This is an application seeking suspension of substantive sentence imposed upon the applicant. Applicant herein is convicted for offence punishable under section 138 of Negotiable Instruments Act by Judicial Magistrate First Class, 5th Court, Vashi, District – Thane in S.C.C. No. 4224 of 2012 vide Judgment and Order dated 22/04/2014. Being aggrieved by the said Judgment and Order applicant had filed criminal appeal no. 67 of 2015 before Sessions Court at Thane. Learned 2nd Additional

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Sessions Judge vide Judgment and Order dated 23/12/2015 has been pleased to dismiss the appeal and cancel the bail bonds.

2) Today, applicant has surrendered before Judicial Magistrate First Class, 5th Court at Vashi. It is submitted that applicant was on bail during the pendency of trial as well as during the pendency of appeal and has not committed breach of any conditions imposed upon him. It is also submitted that at the time of admission of the appeal, applicant herein had deposited Rs. 10,00,000/- in the court of Sessions, Thane. Learned counsel for the applicant submits that applicant would deposit an additional amount of Rs. 10,00,000/- before the Sessions Court, Thane within 6 weeks from today.

3) Revision application is admitted. In view of this, applicant deserves suspension of substantive sentence during the pendency of revision application. Hence, following order.

ORDER

(i) Application is allowed.

(ii) The substantive sentence imposed upon the applicant by Judicial Magistrate First Class, 5th Court, confirmed by 2nd Additional Sessions Judge, Thane is hereby suspended.

- (iii) Applicant be enlarged on bail, same bail, fresh bonds.
- (iv) Applicant shall report to the court of Judicial Magistrate First Class, Vashi, once in six months, as directed by the concerned court, till the conclusion of revision application.
- (v) Upon failure to attend any two consecutive dates, prosecution would be at liberty to seek cancellation of bail.
- (vi) Application stands disposed of.
- (vii) Parties to act on authenticated copy of this order.

(SMT. SADHANA S. JADHAV, J.)