

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 30 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 35 OF 2016

Sharadkumar Madhavji Mehta. ... Applicant.
Versus
Bhavini Sachin Joshi & anr. ... Respondents.

Mr. Karan Kadam a/w. Mr. M.G. Shukla, advocate for Applicant.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J
DATE : FEBRUARY 2, 2016

P.C.:

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 This is an application seeking suspension of substantive
sentence imposed upon the applicant. The applicant herein was
convicted for offence punishable under Section 138 of the Negotiable
Instruments Act and sentenced to suffer S.I. for 3 months and to pay

fine of Rs. 7,60,000/- I.d. to suffer S.I. for one month by the Metroplitan Magistrate, 44th Court, Andheri, Mumbai in C.C. No. 3169/SS/2007 vide Judgment and Order dated 2/5/2013. Being aggrieved by the Judgment and Order, the applicant had filed criminal appeal No. 316 of 2013 before the Sessions Court. The learned City Civil and Sessions Court, Gr. Mumbai vide Judgment and Order dated 6/1/2016 has been pleased to dismiss the appeal.

3 The learned Counsel for the applicant submits that at the time of admission of the appeal, the applicant had deposited an amount of Rs. 1,88,000/- before the Appellate Court. The learned Counsel for the applicant upon instructions further submits that the applicant would deposit additional amount of Rs. 1,88,000/- before the Appellate Court within 8 weeks from today. It is further submitted that the applicant has surrendered before the Metropolitan Magistrate today i.e. on 2/2/2016.

4 The learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial as well as during the pendency of the appeal and has not committed breach of any condition imposed upon him.

5 The sentence imposed upon the applicant is short terms sentence. The Revision Application has been admitted. The Revision Application is not likely to be heard in near future. In view of this, the applicant deserves to be enlarged on bail during the pendency of the revision application. Hence, following order is passed.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant is hereby suspended. He be enlarged on bail. Same bail fresh bond.
- (iii) The applicant is granted provisional cash bail for a period of four weeks.
- (iv) The applicant shall deposit Rs. 1,88,000/- before the Appellate Court within 8 weeks from today. Upon failure to deposit the said

amount within the stipulated time, the learned Appellate Court shall issue non-bailable warrant against the applicant to serve rest of the sentence.

(v) The applicant shall report to the Court of Metropolitan Magistrate, Mumbai once in six months on the date specified by the concerned Court. Upon failure to attend two consecutive dates, the prosecution is at liberty to move for cancellation of bail.

(vi) The applicant shall furnish his residential address, contact number like, landline number, cellphone number etc. to the concerned court.

6 The application is disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)