

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 45 OF 2016
IN
CRIMINAL REVISION APPLICATION NO. 53 OF 2016

Ajay Vasant Paralikar. ... Applicant.
Versus
M/s. Rohan Rajdeep Toliways Ltd. & ors. ... Respondents.

Mr. Sanjay D. Thokade, 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 pay fine of Rs. 32,00,000/- (Rs.

Thirty Two Lakhs Only) I.d. of payment of this amount, the accused shall suffer S.I. for six months by the Judicial Magistrate, First Class, Pune vide Judgment and Order dated 11/12/2012 in SCC No. 16112/2007. The applicant was directed to pay fine of Rs. 32 Lakhs. Being aggrieved by the said Judgment and Order, the applicant had filed Criminal Appeal No. 19 of 2013 before the District Court at Pune. The District Judge, Pune vide Judgment and Order dated 2/1/2016 has confirmed the order of conviction imposed upon the applicant by the Judicial Magistrate First Class, Pune. The applicant has surrendered to the conviction warrant on 1st February, 2016.

3 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. It is further submitted that at the time of admission of the appeal, the applicant had deposited an amount of Rs. 5 Lakhs before the Sessions Court at Pune. Upon instructions, learned Counsel for the applicant submits that the applicant would

deposit additional amount of Rs. 5 Lakhs within 8 weeks before the Sessions Court at Pune.

4 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 shall deposit Rs. 5 Lakhs before the Sessions Court at Pune within 8 weeks from today. Upon failure to deposit the said amount within the stipulated time, the learned Sessions Court shall issue non-bailable warrant against the applicant to serve further sentence.

(iv) The applicant shall report to the Court of Sessions Judge, Pune 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.

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

5 The application is disposed of accordingly.

Parties to act on the authenticated copy of this order.

(SMT. SADHANA S. JADHAV,J)