

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

CRIMINAL APPLICATION NO. 125 OF 2016
IN
REVISION APPLICATION NO. 136 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. S.B. Shelar for applicant
Ms. Anamika Malhotra, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 15th March 2016.

P.C.:

- 1] This is an application for suspension of substantive sentence imposed upon the applicant and for releasing him on bail.
- 2] By its judgment and order dated 23.1.2015 passed in SCC No.3207 of 2011 by the 4th Judicial Magistrate First Class, Thane, convicted the applicant under Section 138 of the Negotiable Instruments Act and sentenced him to suffer simple imprisonment for three months. The Trial Court also directed the applicant to pay compensation of Rs.8 lacs to the complainant and in default of payment of compensation to further undergo simple imprisonment for four months. The appeal preferred by the applicant bearing No.38 of 2015 has been dismissed by the Appellate Court by its Judgment and Order dated 7th December 2015.

3] The learned Counsel for the applicant submitted that during the pendency of the appeal, his client has deposited in all Rs.2,50,000/- in the Registry of the Appellate Court.

4] As the substantive sentence imposed upon the applicant is simple imprisonment for three months, the said sentence is hereby suspended subject to condition that the applicant shall deposit an amount of Rs.4 lacs in the Registry of the Appellate Court within a period of three 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 without further reference to this Court.

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

(A.S. GADKARI, J.)