

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.152 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.166 OF 2016

Shashi Manoharlal Gupta .. Applicant
Versus
M/s.Gamzen Plast Pvt.Ltd & ors .. Respondents

Mr.Bhaskar J. Sarwade, Advocate for applicant.
Mr.P.J. Ramchandani, Advocate for responden no.1.
Mrs.R.V.Newton, APP for the Respondent State.

CORAM : PN. DESHMUKH, J

DATED : 19th AUGUST 2016

P.C. :

1 Heard learned counsel for both the sides.

2 Applicant having been convicted by learned Metropolitan Magistrate, Mazgaon for the offence punishable under section 138 of the Negotiable Instruments Act, 1881 sentencing him to suffer RI for six months and to pay compensation of Rs.6,75,000/- to complainant with interest @ 9% p.a. From 24th June 2009 till the satisfaction of amount and on failure to pay the same, to undergo SI for two months, had filed this application for suspension of substantive sentence and for his release on bail, pending the revision.

3 Learned counsel for the applicant has also placed on record schedule of payments of compensation amount. It is taken on record. Copy of same is supplied to learned counsel for respondent – original complainant.

4 It appears that Appeal preferred against the judgment passed by trial Court before the learned Addl. Sessions Judge came to be dismissed against which present revision is filed. It reveals that amount of Rs.1,00,000/- is deposited by applicant on 29th March 2014 and Rs.68,750/- on 12th May 2014 before the learned Sessions Court of which money receipts are on record.

5 According to the schedule of payment placed on record today, balance amount is stated to be paid by applicant in instalments by the end of February 2017. Learned counsel for respondent/complainant contended that the amount of compensation awarded by the trial Court is to the extent of Rs.6,75,000/- with interest @ 9% which comes to Rs.4,34,071/-. As such, the total amount to be paid comes to Rs.11,09,071/-.

6 Having considering facts, as aforesaid, and the schedule of payment submitted on record, since there appears long duration of payment, and that too, only in respect of amount of compensation, to a specific query put to learned counsel for the applicant, on instructions from applicant, it is stated that applicant is ready and willing to make payment of 50% of total amount of compensation which comes to Rs.2,53,125/- (i.e. 50% of remaining amount of compensation after deducting amount of

Rs.1,68,750/-) within a period of 45 days from today, and balance amount shall be paid within a period of 45 days thereafter.

7 It is made clear that order with reference to payment of interest to the extent of Rs.4,34,071/- on compensation, amount shall be passed after compliance of above order.

8 In the mean time, following order is passed :

ORDER

Substantive sentence imposed upon applicant by the trial Court vide its judgment and order dated 6th February 2014 stands suspended.

Applicant shall be released on bail on his executing PR. Bond in the sum of Rs.25,000/- with one surety in like amount.

Needless to say that on applicant's failure to comply with order as aforesaid, complainant shall be at liberty to execute the order of the trial Court, as per the remedy available under law.

Stand over to 4th October 2016.

(PN. DESHMUKH, J)