

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

CRIMINAL APPLICATION NO. 131 OF 2015
IN
REVISION APPLICATION NO. 149 OF 2015

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Ms. Gauri S.R., for Applicant.
Mr. Ninad Muzumdar for Respondent No.1.
Mr. D.R. More, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 30th March 2016.

P.C.:

1] This is an application for releasing the applicant on bail pending the hearing and final disposal of the present Revision Application.

By the Judgment and Order dated 28.9.2012 in CC No.1033/SS/2011 passed by the Metropolitan Magistrate, 12th Court, Bandra, Mumbai, the applicant is convicted under Section 138 of the Negotiable Instruments Act and has been sentenced to suffer simple imprisonment for 9 months and to pay the compensation of Rs.1.50 Crore along with other accused persons within a period of three months from the date of passing of the said Judgment and Order, and in default of payment of compensation, to further suffer simple imprisonment for one year. The Criminal Appeal bearing No.726 of 2012 preferred by the applicant has been dismissed by the

Judgment and Order dated 7th January 2015 passed by the learned Additional Sessions Judge, Greater Mumbai.

2] The learned Counsel for the applicant submitted that the applicant came to be arrested pending final hearing and disposal of the appeal on 17th July 2014 and till today the applicant is in jail. The learned Counsel for the applicant submitted that the substantive sentence imposed upon the applicant is of nine months and in default of payment of compensation to suffer further one year simple imprisonment. She submitted that out of the said one year and nine months sentence, her client has already undergone the sentence of one year and eight months.

In view of the above, the substantive sentence imposed upon the applicant is hereby suspended during the pendency of the present Revision Application.

3] The applicant be released on his furnishing PR bond of Rs.20,000/- with one or two local sureties in the like amount.

4] Criminal Application No.131 of 2015 is allowed in the aforesaid terms.

(A.S. GADKARI, J.)