

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

CRIMINAL APPLICATION NO. 165 OF 2016
IN
REVISION APPLICATION NO. 187 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. Akram Kapoor for Applicant.
Mr. S.R. Phanse for Original Complainant.
Ms. Anamika Malhotra, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 23rd March 2016.

P.C.:

1] This is an application for suspension of sentence and for bail. By the judgment and order dated 11th February 2014 passed by the learned Metropolitan Magistrate, 61st Court, Kurla, Mumbai in CC No.61-02021/2013, the applicant is convicted under Section 138 of the Negotiable Instruments Act and has been sentenced to suffer simple imprisonment till raising the Court and to pay the compensation of Rs.4,30,000/- to the complainant within three months from the date of order and in default to further suffer simple imprisonment for two months. The appeal bearing No.442 of 2015 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Greater Mumbai by its judgment and order dated 3rd March 2016.

2] The learned Counsel for the applicant submitted that out of the said amount of Rs.4,30,000/-, his client has paid Rs.2 lacs to the complainant. He further submitted that the applicant has issued a post-dated cheque dated 1.7.2016 for Rs.2 lacs and the said cheque will be honoured on its presentation.

3] The substantive sentence imposed upon the applicant is hereby suspended subject to the condition that the applicant shall deposit Rs.2 lacs in the Registry of this Court within five weeks from today. If applicant fails to deposit the said amount within the stipulated period by way of demand draft, the suspension of the sentence shall stand vacated without further reference to this Court.

4] The applicant be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties. The applicant is permitted to furnish cash bail and to submit sureties within two weeks after his release from jail.

5] The application is allowed in the aforesaid terms.

6] All the concerned to act upon the authenticated copy of this order.

(A.S. GADKARI, J.)