

FARAD CONTINUATION SHEET No.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.144 OF 2016
WITH
CRIMINAL APPLICATION NO.143 OF 2016
IN
CRIMINAL WRIT PETITION NO.1271 OF 2016

Annand M.Sarnaaik and anr. ..Applicants.
vs.
State of Maharashtra and anr. ..Respondents.

Mr. Rushi Bhuta along with Mr. Manish Bohra i/by A.S.Khan &
Associates for the Petitioner.
Smt.R.V. Newten, APP. for the State.

CORAM : A.S.GADKARI, J.
DATE : 29th March, 2016

P.C.

The aforesaid stated applications are for suspension of sentence and for releasing the applicants/petitioners on bail respectively.

The applicants/petitioners are convicted under Section-138 of the Negotiable Instruments Act,1881 and have been sentenced to suffer simple imprisonment for 3-months and have been directed to pay the cheque amount of Rs.1,24,555/- along with interest at the rate of 9% p.a. to the complainant as compensation from the date of filing of the case till its realization within two months from the date of passing of the said Judgment and order, in default, the applicants/petitioners to suffer further simple imprisonment for one month, by the Judgment and order dated

30.3.2015 passed in CC No.7003289/SS/2014, by the Metropolitan Magistrate, 70th Court Mazgaon, Mumbai. The Revision Application No. 100580/2015 has been dismissed by the Additional Sessions Judge, Greater Mumbai by its Judgment and order dated 18.3.2016. The learned counsel for the petitioner submitted that at the time admission of the revision application before the Sessions Court, his clients have deposited 10% of the cheque amount in the registry of the Trial Court.

3) The substantive sentence imposed upon the applicants/petitioners is simple imprisonment for 3-months.

4) The substantive sentence imposed upon the applicants/petitioners is hereby suspended subject to condition that the applicants/petitioners shall deposit an amount of Rs.1.00 lac in the registry of the Trial Court, Mumbai within a period of four weeks from today.

5) The applicants/petitioners be released on bail on their furnishing PR bond of Rs.15,000/- each with one or two local sureties in the like amount.

6) Both the applications are allowed in the aforesaid terms.

7) All the concerned to act on a copy of this order duly authenticated by the registry of this court.

(A.S. GADKARI, J.)