

nsc.

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

CRIMINAL APPLICATION NO.384 OF 2016

Gurupal Singh Bindra	...Applicant
Versus	
The State of Maharashtra and Anr.	...Respondents

Mr.Aniket Nikam, for the Applicant.

Mr.Gurupal Singh Bindra, Applicant present in Court.

Ms.P.P.Shinde, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
DATE : 19th OCTOBER, 2016

P.C. :

1. Heard learned Counsel for the applicant.
2. The applicant has impugned the Order dated 18th February, 2016, passed by the learned Additional Sessions Judge, Greater Bombay, below Miscellaneous Application (Exhibit – 02) in Criminal Appeal No.39 of 2016.
3. Learned Counsel for the applicant states that the impugned

order directing the applicant to deposit 30% of the compensation amount, within one month is extremely harsh. He submitted that the applicant is financially not in a good condition and is unable to deposit 30% of the compensation amount, so directed. He submitted on instructions of the applicant who is present in the Court, that the applicant, is ready to deposit 20% of the compensation amount, within 3 weeks from today in the Appellate Court, where the appeal is pending. It appears that an amount of Rs.2,25,000/- has already been deposited by the applicant and as such the applicant will now be required to deposit only Rs.95,000/-.

4. Perused the papers. The applicant has been convicted by the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai, in C.C.no.921/SS/2013, for the offence punishable under Section 138 of the Negotiable Instruments Act and has been sentenced to undergo Simple Imprisonment for 4 months and has been directed to pay compensation for Rs.16,00,000/- to the respondent no.2 (original complainant), in default to undergo Simple Imprisonment for 2 months. Being aggrieved by said Judgment and Order of conviction and sentence, the applicant preferred an appeal being Criminal Appeal No.39 of 2016, in the Sessions Court.

Alongwith the said appeal, the applicant filed a Miscellaneous Application being Exhibit – 02, praying therein, for suspension of the sentence, pending the appeal and the learned Additional Sessions Judge, vide order dated 18th February, 2016 was pleased to pass the following order:-

- “1. Misc. Application (Exh.02) is conditionally allowed.
 2. On depositing 30% amount of compensation, within a period of one month, sentence awarded by the Ld. Metropolitan Magistrate, 63rd Court, Andheri, Mumbai, in C.C.no.921/SS/2013, is hereby suspended till the disposal of this appeal.
 3. Misc. Application (Exh.02) is disposed off accordingly”.
5. Considering the statement made by the applicant, who is present in Court, that he is ready to deposit 20% of the compensation amount, within 3 weeks from today, in the Appellate Court, the application is allowed and the impugned dated 18th February, 2016, passed by the learned Additional Sessions Judge, Greater Bombay, below Miscellaneous Application (Exhibit – 02) in Criminal Appeal No.39 of 2016, is modified to the extent, that instead of 30% of the compensation amount, the applicant shall now deposit 20% of the compensation amount, within 3

weeks from today, in the Appellate Court. Accordingly, on depositing 20% of the compensation amount, within 3 weeks from today, the Applicant's sentence is suspended till disposal of the Appeal.

6. The application is allowed in the aforesaid terms and is accordingly disposed of.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.