

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

CRIMINAL APPLICATION NO. 190 OF 2016
IN
REVISION APPLICATION ST.NO.230 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. Y.P. Gandhi for applicants.
Ms. R.V. Newton, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 12th April 2016.

P.C.:

1] This is an application for suspension of sentence and releasing the applicant No.2 on bail.

By the Judgment and Order dated 31.8.2013 in CC No.1843/SS/2010 passed by the Metropolitan Magistrate, 63rd Court, Andheri, Mumbai, the applicants are convicted under Section 138 of the Negotiable Instruments Act and the applicant No.2 has been sentenced to suffer rigorous imprisonment for two months and to pay fine of Rs.4 lacs, in default of payment of fine the applicant No.2 to undergo further rigorous imprisonment for one month. The Criminal Appeal bearing No.599 of 2013 preferred by the applicants has been dismissed by the Judgment and Order dated 23.11.2015 passed by the learned Additional Sessions Judge, Greater Mumbai.

2] The learned Counsel for the applicants submitted that during the pendency of the appeal his client has deposited approximately Rs.1 lac in the Registry of the Appellate Court. He submitted that as of today out of the substantive sentence of two months, his clients has already undergone 15 days of the sentence.

3] The substantive sentence imposed upon the applicant No.2 is of two months of rigorous imprisonment. The substantive sentence imposed upon the applicant No.2 is hereby suspended subject to condition that the applicant No.2 shall deposit additional amount of Rs.1 lac in the Registry of the Appellate Court within two weeks from today. If the applicant No.2 fails to deposit the said amount within the stipulated period, the suspension of the sentence shall stand vacated without further reference to the Court.

4] The applicant No.2 be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

5] Criminal Application is allowed in the aforesaid terms.

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

(A.S. GADKARI, J.)