

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

CRIMINAL APPLICATION NO. 201 OF 2016
IN
REVISION APPLICATION NO.229 OF 2016

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

Court's or Judge's orders

Ms. Sandhya Mailagir i/b Anil Joshi for Applicant.
Mr. Deepak Thakare, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 16th April 2016.

P.C.:

1] This is an application for suspension of sentence and releasing the applicant on bail.

By the Judgment and Order dated 3.9.2013 in SCC No.1749 of 2007 passed by the 3rd Judicial Magistrate First Class, Vashi, Navi Mumbai, the applicant is convicted under Section 138 of the Negotiable Instruments Act and has been sentenced to suffer simple imprisonment for six months and to pay fine of Rs.10,000/-, in default of payment of fine the applicant to undergo further simple imprisonment for one month. By the same Judgment and Order, the applicant has been directed to pay compensation of Rs.10 lacs to the complainant within a period of 2 months from the date of passing of the said Order. The Criminal Appeal No.393 of 2013 preferred by the applicant has been dismissed by the Judgment and Order dated 21.3.2016

passed by the learned 3rd Additional Sessions Judge, Thane. While allowing the said appeal partly, the Appellate Court has reduced sentence to two months of simple imprisonment and to pay fine of Rs.5000/-, in default of payment of fine to further undergo simple imprisonment of one month. The Appellate Court has also reduced the quantum of compensation to Rs.5,50,000/-.

2] The learned Counsel for the applicant submitted that during the pendency of the appeal her client has already deposited Rs.3,50,000/- in the Registry of the Appellate Court. The substantive sentence imposed upon the applicant is of two months of simple imprisonment. The substantive sentence imposed upon the applicant is hereby suspended till hearing and final disposal of the present Revision Application.

3] The applicant be released on bail on his furnishing PR bond of Rs.15,000/- with one or two local sureties in the like amount.

4] Criminal Application is allowed in the aforesaid terms.

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

(A.S. GADKARI, J.)