

FARAD CONTINUATION SHEET No.
 IN THE HIGH COURT OF JUDICATURE AT BOMBAY
 CRIMINAL APPELLATE JURISDICTION
 CRIMINAL APPLICATION NO. 245 OF 2016
 IN
 CRIMINAL REVISION APPLICATION NO. 275 OF 2016

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Brian A. D'lima with M.V.Rishi Bhuta i/by D'lima & Associates for the Applicant.

Mrs. R.V. Newton, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 3rd May, 2016

P.C.

This is an application for suspension of sentence and for releasing the applicant Nos. 2 and 3 on bail.

2) The applicant No.1 Company has been convicted under Section 138 of the Negotiable Instruments Act and sentenced to pay a fine of Rs.20,000/- by the Metropolitan Magistrate, 7th Court, Dadar, Mumbai by its Judgment and Order dated 21.11.2014 in CC No.6566/SS/2011. By the same Judgment and Order the applicant Nos. 2 and 3 are also convicted under Section-138 of the Negotiable Instruments Act and sentenced to suffer rigorous imprisonment for three months each and to pay compensation of Rs.1,41,00,000/- jointly within

a period of one month from the date of passing of the said order to the complainant, in default of payment of compensation to suffer further rigorous imprisonment for six months each. The Criminal Appeal No.1175/2014 preferred by the applicants has been dismissed by the learned Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 1.04.2016 however, the Appellate Court has enhanced the fine amount to Rs.2,14,00,000/-, in default to suffer simple imprisonment for six months each.

3) The learned counsel for the applicant submitted that during the pendency of the appeal the applicant has paid Rs.10.00 lacs to the complainant and deposited an amount of Rs.28,50,000/- in the registry of the Trial Court. According to him, thus, the applicants have made total payment of Rs.38,50,000/- out of Rs.2,14,00,000/-. The substantive sentence imposed upon the applicants is of three months of rigorous imprisonment to each.

4) The substantive sentence imposed upon the applicant Nos. 2 and 3 is hereby suspended during the hearing and final disposal of the present revision application subject to the condition that the applicant Nos. 2 and 3 shall jointly or severally deposit an additional amount of Rs.1.00 Crore in the registry of the Trial Court within a period of four weeks from today. If the applicants fail to comply with the afore said condition, the suspension of sentence shall stand vacated without further reference to this Court.

4) The applicant Nos. 2 and 3 be released on bail on their furnishing PR bond of Rs.50,000/- each with one or two solvent local

sureties in the like amount.

5) Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)