

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1840 OF 2016

Rajendra Sadashiv Chandrachud. ... Petitioners.
Versus
The State of Maharashtra & ors. ... Respondents.

Mr. Himanshu Dasmali h/f. H.D. & Associates, advocate for petitioners.

Ms. Archana Jaisingh, advocate for respondent No. 1.

Mr. A.R. Patil, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JUNE 14, 2016

P.C.:

1 Heard the learned Counsel for the Petitioners and the learned Counsel for the respondent. Perused the papers.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The Petitioner herein is convicted for the offence punishable under Section 138 read with Section 141 of the Negotiable Instruments Act by the Metropolitan Magistrate, 58th Court, Bandra, Mumbai vide Judgment and Order dated 11th March, 2016. The learned Trial Court had directed the Petitioner to suffer S.I. for a period of 2 months. The petitioner was further directed to pay compensation of Rs. 3,15,00,000/- i.e. the amount of total two cheques to the complainant with the interest at a rate of 9% per annum on the said amount from the date of both the cheques i.e. 7/2/2014 to the complainant till the realisation of the entire amount within 3 months from 11/3/2016.

4 Being aggrieved by the said Judgment and Order, the Petitioner has filed Criminal Appeal No. 323 of 2016. The learned Appellate Court had shown sufficient leniency to the Petitioner and had directed to suspend the substantive sentence imposed upon the Petitioner upon depositing 20% of the compensation amount in the

Court within one month from 11/4/2016. The Petitioner had sought extension of time which was granted. The Petitioner had again filed an application seeking extension of time to deposit 20% of the amount of the compensation. By an order dated 3rd May, 2016, the learned Appellate Court had granted one week's time as last chance.

5 It is clear that till today, the Petitioner has not deposited the amount. Even after filing of the present petition, time to deposit 20% of the amount of compensation was extended by the learned Appellate Court.

6 The learned Counsel for the Petitioner upon instructions from the Petitioner, who is present in the court submits that 20% of the amount of compensation would be deposited in the appellate court within 8 weeks from today.

7 In the eventuality that 20% of the amount of compensation is not deposited within 8 weeks, the learned Appellate Court shall issue non-bailable warrant against the Petitioner calling upon the Petitioner to serve the substantive sentence. In the mean while, the order dated 11th March, 2016 is stayed for a period of 8 weeks only.

8 The Rule is discharged. The Writ Petition stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)