

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPLICATION NO. 342 of 2016
IN
REVISION APPLICATION No. 342 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 Rishi Bhuta for the applicant.

Smt. R.V. Newton, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 29th June, 2016

P.C.

- 1) This is an application for suspension of substantive sentence and for releasing the applicant on bail.
- 2) The applicant is convicted under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for two months by the learned Metropolitan Magistrate, 28th Court at Esplanade, Mumbai in C.C.No. 2622/SS/2011 by its Judgment and order dated 29.11.2014. By the impugned Judgment and Order, the applicant has been directed to pay compensation of Rs. 88,029/- with simple interest @ 9 % per annum till realization of entire amount and has also imposed cost of Rs.10,000/-. The Criminal Appeal No. 42 of 2015 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 30.4.2016.

- 3) The learned counsel for the applicant submitted that his client has already deposited the fine amount in the Trial Court. He further on instructions submitted that out of total compensation amount of Rs.88,029/-, his client has deposited a sum of Rs. 22,007/- in the Trial Court during pendency of the appeal.
- 4) In view of the above, the substantive sentence imposed upon the applicant is suspended during pendency of the revision application, subject to the condition that the applicant shall deposit an additional amount of Rs. 65,000/- in the Registry of the Trial Court within a period of four weeks from today. 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.
- 5) The application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)