

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 269 OF 2016
IN
CRIMINAL WRIT PETITION NO. 2169 OF 2016

Poulose Babubhai		
alias Poulose Smuthan Nadar	...	Applicant
vs.		
M/s. Doshi Metal Industries & Anr.	...	Respondents

Mr. Ajay Talreja, Advocate for the applicant.
Mr. V.B.Konde Deshmukh, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 28th June, 2016.

P.C.

The learned counsel for the applicant, at the outset, submits that today the applicant has surrendered before the Metropolitan Magistrate, 14th Court, Girgaum, Mumbai.

2. The writ petition has been admitted.
3. The learned counsel for the applicant submits that the applicant has been sentenced to one month simple imprisonment and compensation of Rs.60,000/- to the complainant within one month from 14.7.2011. The applicant had filed a criminal appeal before the Sessions Court which

appears to be converted into Revision Application. The said Revision is dismissed by a judgment and order dated 30.1.2016. The applicant seeks suspension of the substantive sentence as the sentence imposed upon the applicant is a short-term sentence and the applicant is willing to deposit the amount of Rs.60,000/- In view of this, the substantive sentence deserves to be suspended.

ORDER

- (i) The application is allowed.
- (ii) The substantive sentence imposed upon the applicant by the Metropolitan Magistrate, 14th Court, Girgaum, Mumbai, vide judgment and order dated 14.7.2011, which was confirmed in Criminal Revision Application No.1130 of 2015 by the Sessions Court vide judgment and order dated 30.1.2016, is hereby suspended.
- (iii) The applicant shall be released on bail. Same bail, fresh bonds. The bail be granted subject to the condition that the amount of Rs.60,000/- is paid in the Court of Metropolitan Magistrate, 14th Court, Girgaum, Mumbai.
- (iv) The applicant shall report to the Court of Metropolitan Magistrate, 14th Court, Girgaum, Mumbai, once in four weeks till the disposal of the appeal.

(v) Upon failure to report on any two consecutive dates, the Metropolitan Magistrate shall issue non-bailable warrant against the applicant calling upon him to serve the substantive sentence.

Application stands disposed of.

4. Parties to act on an authenticated copy of this order.

(SMT.SADHANA S.JADHAV, J.)