

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.397 OF 2016

IN

REVISION APPLICATION No.403 OF 2016

Viraf Fali Kanga .Applicant

Vs.

The State of Maharashtra & anr. .Respondents

Mr.J.M.Khojotia, Advocate, for the Applicant
Mrs.P.P.Shinde, APP, for the Respondent No.1 –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.07.2016

P.C.

. Mentioned. Not on board. Taken on
board.

2. Heard learned counsel for the
Applicant.

3. The Applicant has been convicted for
the offence punishable under Section 138 of the
Negotiable Instruments Act by the learned

Metropolitan Magistrate, 14th Court, Girgaum, Mumbai and has been sentenced to suffer S.I. for six months and has been directed to pay compensation of Rs.44,000/- to the Complainant, in default to suffer S.I. for 15 days. The said conviction and sentence has been confirmed in Appeal, by the learned Sessions Judge, vide Judgment and Order dated 08.07.2016.

4. Learned counsel for the Applicant submits that pursuant to the dismissal of the Applicant's Appeal, the Applicant has been taken into custody and as such, seeks suspension of the Applicant's sentence and his enlargement on bail. He submits that out of the compensation amount of Rs.44,000/-, the Applicant has deposited a sum of Rs.8,800/- in the trial Court and is ready to deposit the balance amount of Rs.35,200/- in the Registry of this Court within six weeks from today. The said statement is accepted.

5. Accordingly, the Applicant's sentence is suspended and the Applicant is enlarged on bail on the following terms & conditions:

ORDER

(i) The applicant be enlarged on bail, on executing PR Bond in the sum of Rs.5,000/- with one or two sureties in the like amount;

(ii) The Applicant shall be released on provisional cash bail of Rs.5,000/- for a period of four weeks, within which time, the Applicant shall comply with the aforesaid Clause(i);

(iii) The Applicant shall deposit the said amount of Rs.35,200/- in the Registry of this Court, within six weeks from today.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)