

nsc.

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

**CRIMINAL APPLICATION NO.448 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.442 OF 2016**

Neeta Manish Vora	...Applicant
Versus	
Madhavdas M.K.	
The constituted attorney of	
M/s.B. Mahendrakumar & Co., and Anr.	...Respondents

Mr.J.J.Bardeskar, for the Applicant

Ms.P.P.Shinde, A.P.P for the Respondent-State

***CORAM : REVATI MOHITE DERE, J.
DATE : 1st AUGUST, 2016***

P.C. :

Not on board. Taken on board.

1. Heard learned Counsel for the applicant and the learned A.P.P.

2. The applicant has been convicted by the learned Metropolitan Magistrate, 06th Court, Mazgaon, Mumbai, vide Judgment and Order dated 10th March, 2011, in C.C.No.1872/SS/2007, for the offence punishable under Section 138 r/w 141 of the Negotiable Instruments Act and has been sentenced to suffer SI for 1 month, and to pay a fine of Rs.5,00,418/-, in

default of payment of fine to suffer SI for a period of 1 month. Out of fine amount, if paid by the applicant, an amount of Rs.4,95,418/- was directed to be given to the respondent no.1/complainant, by way of compensation under Section 357(3) of the Code of Criminal Procedure. The said order of conviction and sentence has been confirmed by the learned Additional Sessions Judge, Greater Bombay, in Appeal, vide Judgment and Order dated 29th July, 2016.

3. The learned Sessions Judge, pursuant to a Revision Petition, filed by the respondent no.1 – complainant seeking enhancement of the compensation was pleased to partly allow the Revision Petition, inasmuch as, the compensation was enhanced to Rs.9,30,836/-

4. Learned Counsel for the applicant states that the cheque amount is Rs.4,95,000/- odd. He submitted that the compensation awarded by the Appellate Court enhancing the compensation was without any justification. He states that the applicant had deposited a sum of Rs.25,000/- in the Appellate Court. Learned Counsel on the instructions of the husband of the Applicant, who is present in the Court states that the applicant

without prejudice to her rights and contentions, will deposit a sum of Rs.2,00,000/- within 1 week from today; another sum of Rs.2,00,000/- within 1 month thereafter and another sum of Rs.2,00,000/- , within 2 months thereafter. The said statement is accepted. The aforesaid amounts shall be deposited by the applicant in the Registry of this Court.

5. In view of the aforesaid statement made by the learned counsel for the applicant, the applicant's sentence is suspended and the applicant is enlarged on bail on the following terms and conditions :

ORDER

- (i) The Applicant be released on cash bail in the sum of Rs.10,000/- for a period of four weeks;
- (ii) The Applicant shall thereafter furnish P.R. Bond in the sum of Rs.10,000/- with one or two sureties in the like amount, within a period of four weeks of her release on cash bail.

6. Accordingly, the applicant shall deposit a total sum of Rs.6,00,000/- in the aforesaid manner i.e. a sum of Rs.2,00,000/- within 1 week from today, another sum of Rs.2,00,000/- within 1 month thereafter and the balance sum of Rs.2,00,000/-, within 2 months thereafter, in the

Registry of this Court.

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

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.