

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.502 OF 2016

AND

CRIMINAL APPLICATION NO.503 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.503 OF 2016

SUNIL KHANNA

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.

)...RESPONDENTS

Ms.Sudha Dwivedi, Advocate for the Applicant.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 14th SEPTEMBER 2016.

P.C. :

1 Not on board. On being mentioned, taken on board.

2 These two applications are filed by applicant for suspension of sentence and for grant of bail. Applicant is found to be convicted for the offence punishable under Section 138 of Negotiable Instruments Act and is sentenced to suffer rigorous imprisonment for 6

months and to pay compensation of Rs.40 Lakh, in default of payment of compensation, applicant is directed to suffer further rigorous imprisonment for 3 months.

3 Appeal preferred against said conviction is dismissed by the learned Sessions court by its order dated 2nd May 2016 and it is noted that, till the appeal period is over, sentence imposed is suspended. Revision application is filed on 23rd August 2016. Thus, same is delayed by two days. Application for condonation of delay is pending in which notices are issued to respondents.

4 Learned counsel for applicant contends that out of the compensation amount of Rs.40 Lakh, Rs.7 Lakh is already deposited by applicant before the learned trial court, and states that, if the application is allowed applicant shall deposit amount of Rs.6 Lakh within four weeks from the date of his release on bail, and shall pay further amount of Rs.7 Lakh within four weeks thereafter.

5 Having considering submissions as aforesaid, and as applicant was on bail pending trial as well as pending appeal before the learned Sessions court, and since it is no case of prosecution that

applicant while on bail had misused liberty granted to him, applications are allowed by suspending substantive sentence and by granting bail as per order below:

- i) Applicant shall be released on bail on his executing P.R.Bond in the sum of Rs.15,000/- with one surety in like amount.
- ii) Applicant shall deposit amount Rs.6 Lakh within four weeks from the date of his release on bail, before the trial court, and thereafter, shall deposit amount of Rs.7 Lakh within four weeks thereafter before the trial court.
- iii) While on bail, applicant shall mark his presence with Oshiwara Police Station, once in three months, on the first day of such month.
- iv) Applicant shall produce proof of his residence to the Investigating Officer and intimate change of address in future, if any, to the concerned police station.
- v) Both the applications stand disposed of as allowed.

(P. N. DESHMUKH, J.)