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

CRIMINAL WRIT PETITION NO.3103 OF 2016

Uddhav Narayan Bedare

...Petitioner

Versus

The State of Maharashtra and Anr.

...Respondents

Mr.T.N.Sonawane, for the Petitioner.

Mr.S.R.Agarkar, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.

DATE : 7th SEPTEMBER, 2016

P.C. :

1. Heard learned Counsel for the petitioner and the learned A.P.P.
2. By this petition, the petitioner has impugned the order dated 12th July, 2016, passed by the learned District and Sessions Judge, Pandharpur.
3. Learned Counsel for the petitioner seeks modification of the aforesaid order dated 12th July, 2016, which reads thus:-

“Heard Ld.Advocate for the appellant. Sentence is suspended

on the condition of depositing amount of compensation as per clause no.3 of the operative order within period of 3 months from date of judgment. Issue notice to the respondent.”

4. Learned Counsel for the petitioner states that the petitioner is a poor agriculturalist and that the learned Sessions Judge has suspended the sentence on the condition, that the petitioner deposits the entire compensation of Rs.6 lacs. He submits that the said order is contrary to the Judgment of the Apex Court in the case of ***Dilip S. Dahanukar v/s Kotak Mahindra Company Limited and Anr.***¹ He submits that considering the financial condition, the petitioner is ready to deposit 1/4th of the compensation amount i.e. Rs.1 ½ lacs.

5. Perused the papers. It appears that the petitioner has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and has also been directed to pay compensation of Rs.6 lacs. It appears that against the said Judgment and Order of conviction and sentence, the petitioner has filed an appeal, being Criminal Appeal No.30 of 2016 in the Sessions Court. It appears that the learned Sessions Judge

¹ 2007 ALL MR (Cri) 1775 (S.C.)

has suspended the petitioner's sentence, on the condition, that the petitioner deposits the entire compensation amount within 3 months from the date of judgment of the trial Court.

6. Considering the Judgment of the Apex Court in the case of ***Dilip S. Dahanukar (Supra)*** and the economic condition of the petitioner, it will be appropriate to direct the petitioner to deposit 1/3rd of the compensation amount i.e. Rs.2 lacs.

7. Accordingly, the impugned the order dated 12th July, 2016, passed by the learned District and Sessions Judge, Pandharpur is modified. The petitioner shall now deposit 1/3rd of the compensation amount i.e. Rs.2 lacs, in the Sessions Court at Pandharpur, on or before 20th September, 2016, instead of depositing the entire amount of compensation of Rs.6 lacs, as directed vide Order dated 12th July, 2016. Accordingly, the petitioner's sentence is suspended on the condition that the petitioner deposits Rs.2 lacs in the Sessions Court, Pandharpur, on or before 20th September, 2016.

8. The Petition is allowed in the aforesaid terms and is accordingly disposed of.

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

REVATI MOHITE DERE, J.