

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.521 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.505 OF 2016**

Santosh Singh Bajwa ... **Applicant**
V/s.
Charandas Bajwa & Anr. ... **Respondents**

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Ms.Beerta H. Bajwa, Advocate for the Applicant.
Mr.A.R.Kapadnis, APP for the Respondent No.2/State.

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CORAM : P. N. DESHMUKH J.

DATED : 14th SEPTEMBER 2016.

P.C.

1 This is an application for suspension of sentence and for grant of bail by accused, who is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. According to the learned counsel for the applicant, he has already deposited fine amount of Rs.1000/- and Rs.1,00,000/- out of compensation amount of Rs.2,00,000/- awarded by the learned trial Court and, therefore, prays for suspension of sentence pending the revision.

2 Perused the record, wherefrom order of the trial Court

reveals that applicant came to be convicted under Section 138 of the Negotiable Instruments Act, 1881 till the rising of the Court, and is further directed to pay fine of Rs.1000/- in default to suffer simple imprisonment for 15 days.

Applicant is further directed to pay compensation of Rs.2,00,000/-.

3 In support of case of applicant, applicant has placed on record three money receipts with regards to payment of compensation to the extent of Rs.1,00,000/-. Fine amount of Rs.1000/- is also stated to be paid.

4 Appeal against order of conviction is dismissed by the learned Additional Sessions Judge, and thereafter on execution of conviction warrant, applicant is taken into custody.

5 Having considering fact of applicant depositing half of compensation amount of Rs.1,00,000/- and as has already undergone the sentence imposed upon him, application is liable to be allowed, by giving direction to applicant to make payment of further amount of Rs.25,000/- against amount of compensation as per order below :

(i) Applicant shall be released on bail.

(ii) Applicant shall be continued on the same bond as furnished before the trial Court.

- (iii) Applicant shall deposit amount of Rs.25,000/- in addition to Rs.1,00,000/- already deposited against the amount of compensation. Said amount be deposited within four weeks from today.

(P. N. DESHMUKH J.)