

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.553 OF 2016

AND

CRIMINAL APPLICATION NO.554 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.533 OF 2016

ASHRAF P. NATHANI

)...APPLICANT

V/s.

LAHERCHAND CHAPSI MARU AND ANR.

)...RESPONDENTS

Mr.Kishor Bhatia, Advocate for the Applicant.

Mr.A.R.KapadnisAPP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 17th OCTOBER 2016.

P.C. :

1 Issue notice to respondents. Learned APP accepts notice on behalf of respondent no.2 – State.

2 Learned counsel for applicant prays for suspension of sentence and for grant of bail contending that applicant was on bail pending trial and that the amount of cheque involved in the present application is Rs.2,00,000/- out of which amount of Rs.1,00,000/- is

already stated to be deposited before the Sessions court at Dindoshi pending appeal and is ready to deposit further amount of Rs.1,25,000/-. It is thus prayed that both the applications be allowed.

3 Record reveals that applicant came to be convicted for the offence punishable under Section 138 of Negotiable Instruments Act by the trial court and is sentenced to suffer simple imprisonment for 4 months and is directed to pay amount of Rs.2,25,000/- as compensation. Learned counsel for applicant has tendered at bar copy of receipt of payment of Rs.1,00,000/- before the Sessions court and has produced 2 demand drafts of Rs.1,00,000/- dated 10th October 2016 and Rs.25,000/- dated 14th October 2016 issued in the name of Registrar of this court. Appeal preferred by the applicant came to be dismissed by the appellate court, however, it is stated that no warrant of conviction is issued against applicant.

4 Having considering facts as aforesaid, application is liable to be allowed as per order below :

- i) Applicant shall be released on bail on his executing P.R.Bond in the sum of Rs.20,000/- with one surety in like amount.

- ii) Applicant shall deposit both the demand drafts valued at Rs.1,00,000/- and Rs.25,000/- respectively with the Registrar of this court.
- iii) While on bail, applicant shall mark his presence with Mahim Police Station, once in three months, on the first day of such month, pending revision.
- iv) Application is allowed in above terms.

(P. N. DESHMUKH, J.)