

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.561 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.541 OF 2016

M/s. White Cube Retails Private Limited
& Ors.)...Applicants

v/s.
1 Shri Paresh Chunilal Gheewala
2 State of Maharashtra)...Respondents

Mr. Paras N. Vira, Advocate for the Applicants.

Mr. S.V.Gavand, APP for the Respondent - State.

CORAM : P N. DESHMUKH, J.

DATE : 6th OCTOBER 2016.

P.C. :

Issue notice to Respondents. The learned PP accepts notice on behalf of the Respondent No.2-State. Notice to Respondent No.1 is made returnable after four weeks.

2 The learned counsel for the Applicants prays for suspension of sentence on the ground that the applicants were on bail pending the trial and appeal. The learned counsel for the Applicants

submitted that amount of cheque involved in the application is Rs.1,80,000/-. The applicants have deposited entire amount before the learned Trial Court pending the trial and has further submitted that an amount of Rs.20,000/- is also deposited without prejudice to the rights of the Applicants before the trial Court as amount of compensation. It is further prayed that application be allowed.

3 Record reveals that the learned Metropolitan Magistrate, 7th Court at Dadar has convicted Applicants of the offence punishable under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881 till rising of the Court and to pay compensation of Rs.20,000/- in default to suffer S.I. for one month. The appeal preferred against the above order came to be dismissed. The learned Appellate Court by its order dated 24.8.2012 has suspended sentence imposed upon the Applicants. In that view of the matter, application is allowed as per order below:

- (1) Original Accused Nos.2 and 3 shall be released on bail on their executing PR. bond in the sum of Rs.15,000/- each with one or two sureties in the like amount.

(2) Original Accused Nos.2 Madan Gopal Tulsian and Vikas Madan Tulsian shall mark their presence with Versova Police Station, Andheri once in six months on the first day of such month pending, revision.

(3) The Applicants shall produce proof of their residential address with the concerned Investigating Officer and shall update the same if there is a change in future.

4 Application is allowed in above terms.

(P. N. DESHMUKH, J.)