

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.581 OF 2016

IN

CRIMINAL REVISION APPLICATION NO.575 OF 2016

Vasantrao Moperkar ... **Applicant**
V/s.
Mr.Bharama Patil & Anr. ... **Respondents**
.....

Mr.Abhijeet Rane, Advocate for the Applicant
Ms.V.S.Mhaispurkar, APP for the Respondent/State.

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CORAM : P. N. DESHMUKH J.

DATED : 15th OCTOBER 2016.

P.C.

1 Issue notice to respondents. Learned Additional Public Prosecutor accepts notice on behalf of respondent No.2/State of Maharashtra.

2 Learned counsel for the applicant prays for suspension of sentence contending that the amount of cheque involved is of Rs.4,00,000/- and amount of Rs.1,00,000/- is deposited by the applicant pending the proceedings before the trial Court and Sessions Court and after dismissal of his appeal, since he is taken into custody, he is not in a position to make payment of further amount, however, has contended that applicant's son is present along with Demand Draft valued for Rs.1,50,000/- issued against Bank of India in the name of

respondent No.1 Mr.Bharama Patil and states that further amount of Rs.1,50,000/- may be deposited within six months period hereafter.

3 Record reveals that applicant came to be convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and is directed to suffer simple imprisonment for two months and to pay fine amount of Rs.4,00,000/- as compensation.

4 Considering the fact of applicant's depositing Rs.1,00,000/- pending proceedings before trial Court and appellate Court, where his appeal came to be dismissed and since then applicant is taken into custody and having also considering the fact that son of applicant is present in the Court with Demand Draft of Rs.1,50,000/-, application is liable to be allowed as per order below :

- (i) Applicant shall be released on bail on his executing personal bond in the sum of Rs.20,000/- with one surety in like amount.
- (ii) While on bail, applicant shall mark his presence with D.N.Nagar Police Station, Andheri once in six months pending Revision.
- (iii) Applicant shall obtain Demand Draft of Rs.1,50,000 in the name of Registrar of this Court and shall deposit with the Registry of this court within one week from today and on being released on bail shall deposit further amount of Rs.1,50,000/- within a period of four months from today.

5 Application stands disposed of as allowed in the above terms.

(P. N. DESHMUKH J.)