

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

**CRIMINAL APPLICATION NO.590 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.577 OF 2016
WITH
CRIMINAL REVISION APPLICATION NO.577 OF 2016**

Sudhakar T. Sakpal ... **Applicant**
V/s.
M/s. Kunal Impex & Anr. ... **Respondents**
.....

Mr. B.B.Tiwari, Advocate for the Applicant.
Mr. Jatin P. Shah, Advocate for Respondent No.1.
Ms. V.S.Mhaispurkar, APP for the Respondent/State.

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CORAM : P N. DESHMUKH J.

DATED : OCTOBER 26, 2016.

P.C.

1 This is an application for suspension of sentence and for grant of bail by the applicant (Original Accused), who is convicted by the learned trial Court for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and is sentenced to suffer SI for six months and is directed to pay amount of Rs.6 Lakhs along with interest @ 9% p.a. and cost of Rs.7,000/-. Appeal preferred against the judgment is dismissed by the learned Sessions Court.

2 Learned counsel for applicant submitted that amount of

cheque involved was Rs.6 Lakhs and during the pendency of trial and appeal, amount of Rs.2,26,700/- is deposited before the Sessions Court. It is, therefore, prayed that pending revision, application be allowed. Learned counsel for respondent no.1 has opposed the application contending that in the event, application is allowed, applicant be directed to make substantive payment as transaction is of the year 2003 and considering the order of the trial Court, amount of Rs.6 Lakhs is now increased to Rs.12 Lakhs and above.

3 Considering the fact that applicant was on bail pending trial and out of total amount of Rs.6 Lakhs , amount of Rs.2,26,700/- is stated to be deposited before the Sessions Court which fact is not disputed by the complainant/Respondent No.1, application is allowed as per order below:

- (1) Applicant shall be released on bail on his executing PR.Bond in the sum of Rs.25,000/- with one surety in the like amount.
- (2) Applicant shall deposit further amount of Rs.1 Lakh before the Sessions Court within four weeks from today. Registrar, Sessions Court, Greater Bombay to accept the same.
- (3) While on bail, applicant shall mark his presence with Matunga Police Station once in six months, on the first day of such month, pending revision.
- (4) Applicant shall produce proof of his residence to the Investigating Officer and update change in

address, if any, in future, to the concerned police station.

4 Hearing of the present revision is expedited as it is submitted that applicant/original accused is suffering from HIV Positive.

5 Be shown for final hearing in a week commencing from 9.1.2017.

(P. N. DESHMUKH J.)