

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1305 OF 2015

Mr. Rajiv V. Bhatia. ...Applicant.
vs.
Jayesh J. Veera and anr. ...Respondents.
.....

Mr.Ganesh Bhujbal for the Applicant.
Mr.Ashok Bhatia for Respondent No.1.
Mrs. M.R.Tidke, APP. for the Respondent-State.

CORAM : A.S.GADKARI, J.
DATE : 09th June, 2016

P.C.

Heard the learned counsel for the applicant and the learned counsel for respondent No.1.

2) The present application under Section 482 of the Code of Criminal procedure is filed against the interlocutory order dated 27.10.2015 passed by the learned Additional Sessions Judge of the Appellate Court in Misc. Application No.2833/2015 in Criminal Appeal No.927/2015, thereby directing the applicant to deposit a sum of Rs.5.00 lacs in the Trial Court as a condition for suspension of sentence.

3) The applicant is convicted under Section 138 of the Negotiable Instruments Act and has been sentenced to suffer simple imprisonment till rising of the Court by the learned Metropolitan Magistrate, 20th Court, Mazgaon (Sewree) Mumbai in C.C. No. 3246/SS/2012. The applicant has further been directed to pay an

amount of Rs.10.00 lacs as and by way of compensation with simple interest at the rate of 9% from the date of issuance of the cheque till its realization and in default to under go simple imprisonment for three months. The applicant has preferred an appeal bearing Criminal Appeal No.927 of 2015 against the said Judgment and order in the Court of Sessions for Greater Mumbai. The applicant has also filed Misc. Application No.2833/2015 for suspension of sentence. The learned Judge of the Appellate Court while allowing the said application has directed the applicant to deposit a sum of Rs.5.00 lacs in the registry of the Trial Court by the impugned order. The Criminal Appeal preferred by the applicant bearing No.925/2015 is pending for final adjudication and in my considered view the learned Judge of the Appellate Court has rightly exercised its discretion while allowing the application for suspension of sentence. The applicant is convicted by the Trial Court and while suspending the sentence pending appeal, the Appellate Court has exercised its discretion in a proper and judicious manner and hence, I see no reason to interfere in the said order. Application is accordingly dismissed.

(A.S. GADKARI, J.)