

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

REVISION APPLICATION NO.695 OF 2016

Surendra Dhulappa Survasi .Applicant

Vs.

Ajit Shantilal Barde (Bardiya) .Respondents
& anr.

Mr.S.Pilankar i/b. Mr.U.Warunjikar, Advocate,
for the Applicant
Mr.Ameet Palkar, APP, for the Respondent No.2 -
State

CORAM : REVATI MOHITE DERE, J.

DATE : 23.12.2016

P.C.

. Heard learned counsel for the parties.

2. By this Application, the Applicant has impugned the order dated 22.11.2016 passed below Exh.5 in Reg. Cri. Appeal No.42 of 2016, by which the Applicant was directed to deposit a sum of Rs.1,50,000/- from the compensation awarded of Rs.5,00,000/-.

3. Learned counsel for the Applicant submits that the Applicant is not in a position

to deposit the said amount of Rs.1,50,000/- as the same is exorbitant. He submits that the Applicant has a good case on merits. He submits that either the said condition be waived or alternatively the said condition be modified.

4. Perused the papers.

5. Vide Judgment & Order dated 24.10.2016 passed by the learned JMFC, Jaysingpur, the Applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act by the trial Court and has been sentenced to suffer R.I. for three months. The Applicant has also been directed to deposit a sum of Rs.5,00,000/-, to be paid to the Complainant, in default to suffer S.I. for three months. Being aggrieved by the said Judgment & Order, the Applicant has preferred an Appeal in the Sessions Court, being Reg. Cri. Appeal No.42 of 2016. In the said Appeal, the Applicant has filed an Application, being Exh.5, seeking

suspension of his sentence and release on bail. The learned Sessions Judge vide order dated 22.11.2016 was pleased to stay the execution of the Judgment and Order till disposal of the Appeal, subject to the Applicant furnishing P.B. & S.B. for a sum of Rs.15,000/- and subject to the condition that the Applicant deposits a sum of Rs.1,50,000/- on or before 23.12.2016. The Applicant has furnished bail.

6. Considering the submissions advanced by the learned counsel for the Applicant, the amount of Rs.1,50,000/- directed to be deposited towards compensation security is modified and is reduced to Rs.1,00,000/-. The Applicant shall, now, deposit a sum of Rs.1,00,000/- within six weeks from today; Rs.50,000/- within two weeks from today and the balance Rs.50,000/- within four weeks thereafter. It is made clear, that no further extension will be granted. Accordingly, the order dated 22.11.2016 is modified as stated hereinabove. It is made clear, that the Appeal

shall be heard only after the said amount of Rs.1,00,000/- is deposited.

7. Accordingly, the Application is disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)