

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 4 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 1 OF 2017

SHRI. SIRAJ A. HAWALDAR, PRESENTLY
IN CENTRAL JAIL COLVALE., ... Applicant
Versus
THE MAHILA URAB CO-OP. SOCIETY,
REP. BY SHRI. VIVEK KASHINATH
SHIRODKAR., ... Respondent

Adv. Mr. Arun A. S. Talaulikar for the Applicant.

Coram:- C. V. BHADANG, J.

Date:- 5th January, 2017

P.C.:

Heard the learned counsel for the applicant. Issue notice returnable on 25/1/2017.

2. The applicant was convicted for the offence punishable under section 138 of the Negotiable Instruments Act and was sentenced to undergo simple imprisonment for a period of one month and to pay compensation of Rs.65,000/- and in default to suffer simple imprisonment for 7 months. This was challenged by the applicant before the learned Sessions Judge in Criminal Appeal No.153/2014. By an order dated 28/11/2014 passed by the learned Sessions Judge the sentence was suspended on condition of the applicant depositing Rs.30,000/- and furnishing

bail. It appears that the applicant had deposited Rs.30,000/- in compliance with the said order on 28/11/2014. Subsequently by an order dated 21/11/2016, the appeal came to be dismissed on account of absence of the applicant and his counsel. It is this order dated 21/11/2016 which is challenged in Criminal Revision application. In the meantime, the applicant has been taken into custody in execution of a warrant of arrest. The present application is filed for releasing the applicant on bail.

3. Having heard the learned counsel for the applicant and having perused the record, it appears that the applicant was all along on bail during the course of the trial before the Magistrate and before the learned Sessions Judge. The applicant had complied with the order of the learned Sessions Judge of deposit of Rs.30,000/- as a condition for suspension of the sentence. It is only on account of the fact that the appeal came to be dismissed on account of the absence of the applicant and his counsel that the applicant is re-arrested. In such circumstances, the following order is passed:

Order:

(i) The applicant shall be released on bail on executing a fresh P.R Bond in the sum of Rs.15,000/- (Rupees Fifteen thousand only) with one solvent surety in the like amount.

(ii) The Bail Bond shall be furnished before the learned Sessions Judge.

Authenticated copy of this order be issued.

C. V. BHADANG, J.

ap/-