

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.104 OF 2017
IN
REVISION APPLICATION NO.376 OF 2017

Aditya Tejas Patel .. Applicant
Versus
The State of Maharashtra .. Respondent

Mr.Kuldeep Patil for applicant
Mr. Girish Paryani for respondent No.2
Mr. Rajan Salvi, APP for State.

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 28th August 2017.

P.C.

1] By judgement dated 7th May 2014, in Summary Criminal Case o.1269 of 2012, the applicant has been held guilty of offence punishable under section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and directed to pay compensation of Rs. 4 lakhs in default to undergo simple imprisonment for six weeks.

2] The applicant had challenged the said judgement in Appeal

No.98 of 2014. Said appeal has been dismissed by judgement dated 5th August 2016. The applicant has challenged the said judgement in the Revision Application No.376 of 2017 in this Court. By this application the applicant has sought suspension of execution of substantive sentence during the pendency and final disposal of the revision application.

2] Mr. Patil, learned Counsel for the applicant has submitted that the applicant has already deposited an amount of Rs.2 lakhs. He has undertaken to deposit balance amount of Rs.2 lakhs awarded towards compensation within a period of one week from today. In the light of this statement and also considering the nature of the offences, in my considered view, this is a fit case for suspending execution of substantive sentence till final disposal of the revision application. Hence, the order:-

- (i) The application is allowed;
- (ii) Execution of substantive sentence imposed by judgement dated 7th May 2014 in Summary Criminal Case No.1269 of 2012 is suspended till final hearing of the revision application;

- (iii) The applicant to deposit an amount of Rs.2 lakhs before the JMFC Panvel within one week from today;
- (iv) Applicant to furnish bail bond of Rs.15,000/- with one surety in the like amount to the satisfaction of JMFC Panvel;
- (v) The applicant is directed to furnish his contact numbers and permanent address along with local address, if any.

Parties to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)