

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.198 OF 2017
IN
REVISION APPLICATION NO.206 OF 2017

Crown Transport Pvt. Ltd. & Anr. .. Applicants
Versus
India Heavyload Pvt. Ltd. & Anr. .. Respondents

Mr. Rahul Singh i/b. Legal Catalyst for applicants
Mr. A.M.Saraogi for respondent No.1
Mr. Rajan Salvi, APP for State.

CORAM : ANUJA PRABHUDESSAI, J.

DATE : 28th August 2017.

P.C.

1] By this application, the applicants have sought suspension of execution of substantive sentence imposed by judgement dated 9th April 2015 by Metropolitan Magistrate, 33rd Court, Ballard Pier in Criminal Case No.584/SS/2013.

2] The applicants herein were the accused in the aforesaid criminal case and they were tried for offences punishable under section 138 read with section 142 of Negotiable Instruments Act. By judgement dated 9th April 2015, the applicants were held guilty of

the offences and were sentenced to undergo imprisonment for one month and to pay compensation of Rs.17,50,000/- and in default to undergo S.I. for 15 days. The appeal filed by the applicants, being Criminal Appeal No.427 of 2015, against the said judgement was dismissed by the Additional Sessions Judge, Mumbai. Being aggrieved by the said judgement, the applicants have filed this revision application.

3] By the present application, the applicants have sought suspension of the substantive sentence pending final disposal of the revision application.

4] Heard Mr. Singh learned Counsel for the applicants and Mr. Saraogi for respondents. Perused the record. The learned Counsel for the applicants has submitted that they have deposited an amount of Rs.4,37,500/- in the trial court and an amount of Rs.16,62,500/- was directly deposited in the account of respondent company during the pendency of the appeal.

5] The applicant No.2 has filed his affidavit. In paragraph 3 of the

affidavit, he has given details of the payments. The said details are not controverted. Considering the fact that the applicants have deposited the amount of Rs.21 lakhs which is more than the compensation awarded by the Court and also considering the nature of offences, in my considered view, this is a fit case for suspending the execution of the substantive sentence. Hence, the following order:-

- (i) The application is allowed;
- (ii) Execution of substantive sentence imposed by the Metropolitan Magistrate, 33rd Court, Ballard Pier dated 9th April 2015 is suspended till final disposal of the revision application on merits;
- (iii) The applicants shall furnish bail bonds of Rs.20,000/- each with one surety each in the like amount to the satisfaction of the Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai.
- (iv) The applicants shall furnish their respective permanent residential addresses and contact details as well as local addresses, if any.

(ANUJA PRABHUDESSAI, J.)