

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 394 OF 2017
in
REVISION APPLICATION(ST) NO. 435 OF 2017.

Devidas Baliram Gawde

..Applicant

v/s.

Laxman Digambar Parab & Ors.

..Respondents

Ms. Prabha Badadare for the Applicant.

Mr. Rajesh Salvi APP for the Respondent.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATED : 9th AUGUST, 2017.

P.C.

1. The applicant herein, who was an accused in C.C.No. 502/SS/2012 has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for period of three months and pay compensation of Rs.2 lakhs. The appeal filed against the said judgment has been dismissed and the applicant has been taken into custody on 4th July, 2017. Ms. Badadare, the learned Counsel for the applicant submits that the applicant is in custody since 4th July, 2017.

She has further submitted that the applicant is ready and willing to deposit the compensation within a period of two weeks. The statement is accepted. In the light of the said statement and also considering the fact that the applicant has already undergone imprisonment for a period of one month, the execution of sentence is suspended pending disposal of appeal.

2. The applicant is ordered to be released on bail on furnishing bail bond of Rs.25000/- (Rupees Twentyfive Thousand only) with one solvent surety in the like amount to the satisfaction of Addl. Sessions Judge, City Civil and Session Courts, Gr. Mumbai.

3. The applicant shall deposit the amount of Rs.2 lakhs before the Sessions Court, Gr. Mumbai within a period of two weeks.

4. It is made clear that in the event the amount is not deposited within the stipulated time, and the order is not complied with, the order shall stand recalled.

5. The application is accordingly disposed of.

6. Parties to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)