

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.483 OF 2017

AND

CRIMINAL APPLICATION NO.484 OF 2017

IN

CRIMINAL REVISION APPLICATION NO.468 OF 2017

WITH

CRIMINAL APPLICATION NO.485 OF 2017

AND

CRIMINAL APPLICATION NO.486 OF 2017

IN

CRIMINAL REVISION APPLICATION NO.469 OF 2017

SUDHAKAR VASU SHETTY)...APPLICANT

IN THE MATTER BETWEEN

SUDHAKAR VASU SHETTY)...APPLICANT

V/s.

RAVI RAJAN PANDAYAN & ANR.)...RESPONDENTS

Mr.Satish Kumbhar, Advocate for the Applicant.

Mr.Deepak Kushwala, Advocate for Respondent No.1.

Mr.S.S.Hulke, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 6th OCTOBER 2017

P.C. :

1 These four applications are for suspension of sentence as well as release of the applicant / revision petitioner / original accused on bail during pendency of two revisions petition filed by him before this court, challenging his conviction and the resultant sentence in two criminal cases.

2 Heard the learned advocate appearing for the applicant / original accused. He argued that applicant / accused was on bail during pendency of the appeal and he was only directed to execute a personal bond. By giving some treatment to him in these revisions, he be released on bail.

3 The learned advocate appearing for the respondent / original complainant opposed the applications.

4 I have considered the rival submissions and also perused the judgments and orders of the learned trial court as well as the judgments and orders of the learned appellate court.

The learned trial court by an orders dated 15th March 2014 was pleased to convict the present applicant / accused of the offence punishable under Section 138 of the Negotiable Instruments Act in two criminal cases. He was directed to undergo simple imprisonment for 1 year, apart from payment of fine of Rs.9.50 Lakh, and in default, to undergo further simple imprisonment for 3 months in both criminal cases. In appeals, conviction is maintained, so also the fine amount. However, substantive sentence of imprisonment is reduced to 1 month simple imprisonment. Sentence in default of payment of fine is also reduced to 1 month simple imprisonment.

5 Proceedings under the Negotiable Instruments Act are quasi criminal proceedings and the aim of such proceedings is to get financial relief. In the case in hand, two courts have concurrently held that the present applicant has committed the offence punishable under Section 138 of the Negotiable Instruments Act. Both courts below dwelt upon existing financial liability and issuance of cheque for meeting out the legally

enforceable debt. Ultimately, the applicant / accused is directed to pay fine of Rs.9.50 lakh in each case. In this view of the matter, the following order :

ORDER

- i) On depositing the entire amount of fine imposed on him in both subject criminal cases before the learned trial court within a period of four weeks from today, substantive sentence of imprisonment imposed on the applicant / accused is suspended and he is directed to be released on bail on his executing PR.Bond in the sum of Rs.15,000/-, and on furnishing surety in like amount.
- ii) The applications stand disposed of.

(A. M. BADAR, J.)