

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.586 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.615 OF 2017**

**AND
CRIMINAL APPLICATION NO.587 OF 2017
IN
CRIMINAL REVISION APPLICATION NO.615 OF 2017**

Rajen B. Purohit

... Applicant

V/s.

Bharati H. Shah & Anr.

... Respondents

Mr. Rahul Karnik for the Applicant.

Mr. Ameet Palkar, APP for the Respondent – State.

Mr. Rahul Kanjarlikar for Respondent No.1.

CORAM : A.S.GADKARI, J.

DATE : 18th DECEMBER 2017

P.C.:

. Criminal Application No.587 of 2017 is for suspension of sentence and Criminal Application No.586 of 2017 is for releasing the applicant on bail.

2. The applicant is convicted under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for 4 months and to pay an amount of Rs.2,60,000/- to the complainant by way of

compensation by the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai in C.C.No.2549/SS/2005 by its Judgment and Order dated 19.01.2013. The Criminal Appeal No.15 of 2013 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, (Borivali Division), Dindoshi, Goregaon, Mumbai by its Judgment and Order dated 30.10.2017.

3. As the maximum sentence imposed upon the applicant is of 4 months, I am inclined to suspend the said sentence and release the applicant on bail subject to the condition that the applicant shall either pay the said amount of Rs.2,60,000/- to the complainant Smt. Bharati Shah or deposit the said amount of Rs.2,60,000/- in the Registry of this Court within three weeks from today.

4. It is made clear that the period to deposit the aforesaid amount shall not be extended on any count.

5. It is further made abundantly clear that, the payment of compensation of Rs.2,60,000/- to the complainant or its deposit in the Registry of this Court as stated earlier shall be the condition precedent for suspension of sentence and release of applicant on bail.

6. Applications are allowed in the aforesaid terms.

(A.S.GADKARI, J.)