

*Nalawade*FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 635 OF 2017

IN

REVISION APPLICATION NO.641 OF 2017

Bramhaprakash B. Khatri vs. Shri. Kiran G. Khurana

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Kuldeep Nikam for the Applicant.

Mr. R.M. Pethe, APP. for the Respondent-State.

CORAM :A.S.GADKARI, J.

DATE : 19th December, 2017

P.C.

1. The aforesaid applications are for suspension of sentence and for releasing the applicant on bail respectively.
2. The applicant is convicted under Section 138 of Negotiable Instruments Act and has been sentenced to suffer simple imprisonment for a period of six months and to pay compensation of Rs.12,56,640/- by the Judicial Magistrate First Class, Court No.6, Baramati in S.C.C. No.973/2007 by its Judgment and Order dated 17.1.2014. The Criminal Appeal No.40 of 2014 preferred by the applicant has been dismissed by the learned Additional Sessions Judge, Baramati by its Judgment and order dated 13.12.2017. The learned counsel for the applicant submitted that after the afore stated appeal is dismissed by the Appellate Court, the applicant has been taken into custody on the same day.
3. As the maximum sentence imposed upon the applicant is

six months, I am inclined to suspend the sentence and release the applicant on bail subject to condition that the applicant shall deposit a sum of Rs.10,00,000/-(Ten lakhs) only in the registry of Trial Court within a period of 6- weeks from his actual release from Jail.

Hence, the following order.

- a) The applicant be released on bail in SCC No.973/2007 on his furnishing PR bond of Rs.25,000/-with one or two solvent local sureties in the like amount.
- b) From his actual release from Jail within a period of 6-weeks the applicant shall deposit a sum of Rs.10,00,000/- (Ten lakhs) only in the registry of the Trial Court i.e. Judicial Magistrate First Class, Court No.6 Baramati.
- c) It is made clear that period to deposit the said amount will not be extended on any count and if the applicant fails to deposit the afore-stated amount, the order of suspension of sentence and release on bail shall stand vacated without further reference to the Court.
- d) Application is allowed in the aforesaid terms.

All the concerned to act on a copy of this Court duly authenticated by the registry of this Court.

(A.S.GADKARI, J.)