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

**CRIMINAL APPLICATION NO. 642 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 649 OF 2017**

J. Alexander

... Applicant

V/s.

Kirloskar Investment and Finance Ltd. & Ors. **... Respondents**

Mr. Abhaykumar Apte for applicant.

Ms. A.A. Takalkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 22nd DECEMBER 2017.

P.C.:

1] This is an application for suspension of sentence and releasing the applicant on bail.

2] Applicant is the original accused No.2. The applicant was convicted under Section 138 of Negotiable Instruments Act and sentenced to suffer simple imprisonment for 1 year and to pay compensation of Rs.21,50,000/- to the complainant by an Order dated 26th March 2003 passed by the learned Judicial Magistrate First Class(AC Court), Pune in S.C.C. No.501 of 1996. The Criminal Appeal bearing No. 91 of 2003 preferred by the applicant, has been partly allowed by the District Judge-2

and Additional Sessions Judge, Pune by its Judgment and Order dated 22.11.2017 thereby altering the sentence from 1 year of simple imprisonment to 3 months. The Appellate Court, however, maintained the Order as far as the compensation is concerned.

3] The learned Counsel appearing for the applicant submitted that the applicant has already deposited a sum of Rs.2.00 lakhs in the Registry of the Trial Court.

Applicant is the accused No.2. As the maximum sentence imposed upon the applicant is simple imprisonment for 3 months, I am inclined to suspend the sentence and release the applicant on bail, subject to condition that the applicant shall deposit an additional amount of Rs.3.00 lakhs before the Trial Court.

Hence, the following Order:

- (i) Applicant be released on bail in S.C.C. No.501 of 1996, on his furnishing PR bond in the sum of Rs.25,000/- with one or more solvent local sureties in the like amount.
- (ii) Applicant shall deposit additional Rs.3.00 lakhs in the Registry of the Trial Court within a period of 3 months from today.
- (iii) If applicant fails to deposit the said amount of Rs.3.00 lakhs in

the Registry of the Trial Court within 3 months from today, the Order of suspension of sentence and releasing him on bail shall stand automatically vacated without further reference to this Court.

4] Application is allowed in the aforesaid terms.

All the concerned to act on an authenticated copy of this Order.

(A.S.GADKARI, J.)