

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.175/2017

Vinayak Dashrath Kathale ..vs.. The State of Maharashtra thr. its Secretary,
Home Department, Mumbai and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Y. P. Kaslikar, Advocate for petitioner.

Mr. R. S. Nayak, A.P.P. for respondent no.1.

CORAM : V.M. DESHPANDE, J.

DATED : JULY 28,2017

The petitioner suffered judgment at the hands of the learned Judicial Magistrate First Class, Amravati in Summary Criminal Case No.119/2015. By the said judgment the petitioner was convicted for an offence punishable under Section 138 of the Negotiable Instruments Act. Instead of the jail sentence, the petitioner was directed to pay Rs.1,39,000/- to the respondent no.2/original complainant by way of compensation and in default is directed to suffer three months simple imprisonment.

The petitioner carried an appeal before the Sessions Court, Amravati. The said was registered as Criminal Appeal No.27/2017. The learned lower appellate Court passed an order on the interim application that the sentence of payment of compensation is ordered to be suspended till the disposal of the said criminal appeal. However, on a condition

that the petitioner shall pay 40% of the awarded amount. This order is under challenge in the present writ petition.

I have heard Mr. Kaslikar, learned counsel for the petitioner. Perusal of the impugned order shows that the learned lower appellate Court has imposed the most reasonable condition upon the petitioner. No case is made out for interference in the present writ petition. The same is therefore rejected.

JUDGE

kahale