

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

CRIMINAL REVISION NO.51 OF 2017

(Riyaj Ahemadkha Niyaj Ahemadkha ..vs.. Mohd. Ayyaj Mohd. Fayyaj and another)

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

Court's or Judge's orders

Shri A.V. Band, Advocate for the applicant,
Shri T.A. Mirza, Addl.P.P. for the non-applicant.

CORAM : P.N. DESHMUKH, J.

DATED : 03-05-2017

Issue notice to the non-applicants, returnable on
14-06-2017.

Criminal Application (APPR) No.61/2017.

The learned Counsel for applicant seeks leave to amend application by bringing on record fact that sentence imposed upon applicant is suspended by the appellate Court conditionally on applicants making payment of Rs.3,00,000/-.

Amendment be carried out forthwith.

Applicant is found convicted by the learned trial Court for offence punishable under Section 138 of the Negotiable Instruments Act and is sentenced to undergo simple imprisonment for a period of three months and to pay fine of Rs.7,00,000/- within a period of one month, in default to suffer imprisonment for the period of one month. The appellate Court while dismissing the appeal as per amendment is stated to have suspended sentence

subject to payment of Rs.3,00,000/-. Out of which amount of Rs.2,60,000/- is paid on 26-04-2017 to complainant and has stated that balance amount of Rs.40,000/- shall be deposited within two weeks from today.

In that view of the matter, substantive sentence imposed upon applicant is suspended subject to applicant making payment of Rs.40,000/- within two weeks from today.

Application is disposed accordingly.

JUDGE

adgokar