

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

**CRIMINAL APPLICATION(APL) NO.415/2016**

**Subhash s/o Shivaji Jadhao Vs. Vidarbha Konkan Gramin Bank**

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

Court's or Judge's orders.

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Ms Deepali A. Thakkar, Advocate for applicant.

**CORAM : N.W.SAMBRE, J.**

**DATE : MARCH 24, 2017**

On April 2, 2016, learned Additional Sessions Judge, Buldhana, while ordering suspension of sentence in favour of the petitioner-accused, for an offence punishable under Section 138 of the Negotiable Instruments Act, directed to deposit Rs. 70,000/- towards part payment of compensation. Shri Thakkar objects to the said condition on the ground of its unreasonability and is disproportionate to the cheque amount and according to him, the same has caused hardship to the applicant.

In a judgment of the Hon'ble Apex Court in the case of *Dilip S.Dahanukar Vs. Kotak Mahindra Co.Ltd. And another, reported in (2007) 6 Supreme Court Cases 528*, the Hon'ble Apex has observed that while suspending the sentence amount to the extent of 1/3<sup>rd</sup> of compensation could be ordered to be deposited and the same can be termed as reasonable

condition.

In the aforesaid backdrop, the amount as is directed to be deposited i.e. Rs.70,000/- if compared to that amount of compensation, I hardly see any reason to infer disproportionality.

No case is made out for interference in this application. The application is rejected.

**JUDGE**

*Andurkar*