

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 15 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 8 OF 2018

HEMANT CHODANKAR., ... Applicant

Versus

KANAIYALAL HIMATLAL RAO AND ANR., ... Respondents

Mr. Rohan Pandurang Desai, Advocate for the applicant.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 29th January 2018

P.C.

Learned Counsel for the applicant submits that a private notice which is sought to be served upon respondent no.1 has been refused by him in support of which an affidavit of one Swapnil Uttam Masalkar, the next friend of the applicant is filed on record, so also the learned Counsel has filed his affidavit. Affidavits are taken on record.

2. The applicant has been convicted and sentenced by the learned JMFC, Vasco in Criminal Case No.244/OA/NIA/2014/C for an offence punishable under Section 138 Negotiable Instruments Act and has been sentenced to suffer Simple Imprisonment of two months and directed to pay compensation of Rs.7,20,000/-, in default to undergo Simple Imprisonment for

one month. The judgment and order of conviction has further been confirmed by the Lower Appellate Court on 15.1.2018. The applicant has, therefore, approached this Court by way of this revision wherein he has prayed for suspension of sentence pending the revision petition.

3. It is submitted by the learned Counsel for the applicant that an amount of Rs.2,00,000/- has already been deposited in the Sessions Court which is evident from para 4 of the application. The applicant is ready to deposit Rs. 5,00,000/- by way of demand draft today before Registrar(Judicial) of this Court. Liberty is granted to deposit the amount of Rs.5,00,000/- through demand draft. Registrar (Judicial) shall accept the said demand draft.

4. Learned Counsel further submits that the remaining amount of Rs.20,000/- would be deposited within a weeks time from today. The statement is accepted.

5. As the applicant is ready to deposit substantial amount of compensation and as it is submitted that he has a good case on merits and that he was on bail during the course of hearing the appeal before the Lower Appellate Court, it would be just to release him on bail. It is submitted that the applicant is now in custody since 22.1.2018.

6. Pending the Revision Petition the sentence shall stand suspended on applicant executing a personal recognition bond in the sum of Rs.20,000/- with one surety in the like amount. The

same shall be furnished before the Registrar(Judicial) of this Court. Needless to say that this order would take effect only on depositing amount of Rs.5,00,000/- before the Registrar (Judicial) of this Court. The applicant shall attend this Court as and when directed.

7. Application stands disposed of.
8. Authenticated copy of this order shall be expedited.

PRITHVIRAJ K. CHAVAN, J.

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