

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 18 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 10 OF 2018

DIVYA DAYANAND BHAGAT., ... Applicant

Versus

THE VPK URBAN CO-OPERATIVE CREDIT
SOCIETY LTD., THR. ITS RECOVERY
OFFICER, BABANI ANANT GAUDE., ... Respondent

Adv. A. Gaonkar for the Petitioner.
Adv. S. Munj for Respondent

Coram:- C. V. BHADANG, J.

Date:- 24th April 2018

P.C.:

This is an application for suspension of sentence.

2. The applicant has been convicted for the offence punishable under section 138 of the N.I. Act and has been sentenced to undergo simple imprisonment till rising of the Court and to pay a compensation of Rs.5,50,000/- and in default to undergo simple imprisonment for a period of two months. The applicant is praying for suspension of the sentence in respect of deposit of the compensation as the substantive imprisonment till rising of the Court has already been undergone.

3. The record shows that on 25/1/2018 permission was sought on behalf of the applicant to deposit the amount of compensation. The applicant had sought extension of time which was granted on 8/2/2018 and the time was extended till 8/3/2018. Again time was extended on 12/3/2018 till 26/3/2018 and by way of a last chance time was extended by two weeks on 26/3/2018. However, till today the compensation is not paid. The conviction and sentence awarded by the learned Magistrate has been confirmed by the learned Sessions Judge.

4. Considering the fact that inspite of seeking leave to deposit the amount and inspite of grant of sufficient time, the applicant has failed to deposit the compensation, no case for suspension of the sentence is made out. The application is accordingly dismissed. It will be open to the learned Magistrate to enforce the order of imprisonment in default of payment of compensation.

C. V. BHADANG, J.

ap/-