

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL MISC. APPLICATION NO. 121 OF 2018
AND
CRIMINAL MISC. APPLICATION NO. 122 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 26 OF 2018**

**MENINO D'SOUZA, PRESENTLY LODGED
AT CENTRAL JAIL COLVALE.,** **... Applicant**

Versus

GORETY FERNANDES AND ANR., **... Respondents**

Coram:- C. V. BHADANG, J.

Date:- 24th April 2018.

Adv. T. George John for the Applicant.

Adv. S. Redkar for the Respondents.

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P.C.:

These applications are for suspension of sentence and release of the applicant on bail.

2. The applicant has been convicted for the offence punishable under section 138 of the N.I Act and has been sentenced to suffer simple imprisonment for a period of one year and to pay fine/compensation of Rs.9.00 lakhs and in default to suffer simple imprisonment for a period of six months. That has

been confirmed in appeal by the learned Sessions Judge on 3/3/2018.

3. I have heard the learned counsel for the applicant and the learned counsel for the respondent no.1.

4. It is submitted by the learned counsel for the applicant that the applicant had only received an amount of Rs.40,000/- by way of cheque from the complainant. It is submitted that inflated amount has been shown in the subject cheque, on the basis of which a complaint under section 138 of the Act was filed. The learned counsel for the applicant submits that the applicant shall deposit fifty percent of the amount of compensation within four weeks from today. It is submitted that the applicant is a driver and is without any means to deposit the entire amount.

5. Shri Redkar, the learned counsel for the respondent no.1 submits that this Court may pass appropriate order as may be deemed just and necessary.

6. Considering the overall circumstances and further having regard to the fact that the criminal revision has been admitted, the following order is passed:

ORDER:

- (i) The substantive sentence of imprisonment awarded to the applicant is hereby suspended subject to the applicant executing a P.R. bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- (ii) The applicant shall deposit Rs.4,50,000/- within four weeks from today.
- (iii) The Bail Bonds to be furnished and the amount to be deposited before the learned Sessions Judge at Margao.
- (iv) The Criminal Misc. applications are disposed off in the aforesaid terms.

C. V. BHADANG, J.

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