

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 299 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 324 OF 2018**

Shri Amrut Raghunath Naik ... Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Mr. Chetan G. Patil for Applicant/Petitioner.
Mrs. M. R. Tidke, APP for Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : JULY 9, 2018.**

P.C. :

. This is an application for stay to the execution, operation and implementation of the order dated 8th May 2018 passed by the courts below.

2. The Applicant is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act by the Judgment and Order dated 15th December 2015. He was sentenced to suffer Simple

Imprisonment till rising of the court and was also directed to pay compensation of Rs. 1,10,000/-. The Appeal preferred by the Applicant was dismissed by the Judgment and Order dated 8th May 2018.

3. The learned Advocate for Applicant submitted that the Applicant has deposited Rs. 40,000/- before the Sessions Court at Kolhapur during the pendency of the Appeal. It is submitted that the sentence of imprisonment which was till rising of the court is already complied by the Applicant.

4. It is submitted that the complainant has not proved the liability and the court ought not to have convicted the Applicant for the said offence. It is pertinent to note that both the courts have convicted the Applicant for the said offences. In the circumstances, the Applicant is directed to deposit the balance amount of Rs. 70,000/- before the trial court within a period of four weeks.

5. Subject to depositing the said amount, the sentence imposed by the trial court stands suspended/stayed.

6. The Criminal Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)