

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 431 OF 2018

IN

CRIMINAL REVISION APPLICATION NO. 439 OF 2018

Vijay Laxmi Home Appliances
Through Milind Tanaji Suware

....Applicant

Vs.

Surekha Suryaji Yadav

....Respondent.

Mr. Rakesh Bhatkar for the Applicant.

Mr. Fauzan I/by Sachin Thorat for the Respondent No.1.

Ms. Veera Shinde APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 11th SEPTEMBER, 2018.

P.C.:-

This is an Application for suspension of sentence and for releasing the Applicant on bail.

2 Heard the learned counsel for the Applicant, the learned counsel for the Respondent No.1 and the learned APP. Perused the record.

3 The Applicant is convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer Simple Imprisonment for six months and to pay compensation of Rs.6,50,000/- in default of payment of compensation to further

undergo simple imprisonment for six months by the 6th Judicial Magistrate, First Class, Ratnagiri in S.C.C. No. 232 of 2016 dated 29th September, 2017.

The Criminal Appeal bearing No. 33 of 2017 preferred by the Applicant has been dismissed by the learned Sessions Judge, Ratnagiri by its Judgment and Order dated 16th July, 2018.

4 As the maximum sentence imposed upon the Applicant is six months of simple imprisonment and the possibility of hearing of the Revision on its own merits in near future is remote, I am inclined suspend the substantive sentence and to release the Applicant on bail subject to condition that the Applicant shall deposit 50% of the amount of compensation of Rs.3,25,000/- in the Registry of this Court within four weeks from today. It is made clear that the period to deposit the said amount will not be further extended on any count.

Hence the following order-

- a) The substantive sentence imposed upon the Applicant is suspended during the pendency of the present Revision Application.
- b) During the pendency of the Revision, the Applicant be released on bail on his furnishing PR

bond of Rs.15,000/- with one or two local sureties in the like amount.

- c) It is made clear that the payment of deposit of said 50% of the compensation i.e. an amount of Rs.3,25,000/- within stipulated period, is a condition precedent for suspension of sentence and releasing the Applicant on bail.

5 Application is allowed in aforesaid terms.

(A.S. GADKARI, J.)