

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.17 OF 2018

Kishor Anant Vichare

Applicant

versus

Mitali Milind Mayekar and others

Respondents

Mr.Mahesh N. Devlekar for applicant.

Ms.R.M.Gadhvi, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th January 2018

PC :

1. This is an application for suspension of sentence and grant of bail. The applicant has been convicted for offence under Section 138 of Negotiable Instruments Act. Vide judgment and order dated 16th March 2016 the applicant was sentenced to undergo rigorous imprisonment for one year and was directed to pay compensation of Rs.2 lakh. The applicant thereafter filed an appeal before the Sessions Court which has been dismissed by judgment and order dated 3rd January 2018. The Appellate Court has modified the nature of imprisonment from rigorous imprisonment to simple imprisonment.

2. Learned advocate for the applicant submits that on the date of dismissal of the appeal, the applicant has been taken into custody. Learned advocate for applicant, on instructions, submits that 50% of the amount of compensation awarded by the Trial Court would be deposited by the applicant on or before 31st January 2018 and the balance amount shall be deposited on or before 28th February 2018. It is submitted that for making arrangement of money, the applicant may be enlarged on bail.

3. Considering the submissions advanced by learned advocate for the applicant, the sentence imposed on the applicant, can be suspended and the applicant can be released on bail. Hence, I pass following order :

ORDER

- (i) The sentence of imprisonment passed by learned Judicial Magistrate, First Class, Court No.3, Ratnagiri, in Summary Criminal Case No.445 of 2015, which has been confirmed by the Sessions Court, Ratnagiri vide judgment and order dated 3rd January 2018 passed in Criminal Appeal No.17 of 2018, is suspended and the applicant is directed to be enlarged on bail on furnishing PR bond in the sum of Rs.15,000/- with one or more sureties in the like amount;
- (ii) The applicant is directed to deposit Rs.1,00,000/- within two weeks from the date of release of the applicant on bail, in Trial Court and balance amount of compensation within six weeks from the date of release;
- (iii) It is made clear that in case there is breach of the conditions imposed in this order, the order granting bail shall stand vacated forthwith;
- (iv) Criminal Application No.17 of 2018 is disposed of;
- (v) List on 28th February 2018 for reporting compliance.

(PRAKASH D. NAIK, J.)

MST