

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

**CRIMINAL APPLICATION NO.98 OF 2018
IN
CRI. REVISION APPLICATION (ST.) NO.101 OF 2018**

Shehzada Isamil Memon

.. Applicant

Vs.

Nanda Agastin Randhve & Anr.

.. Respondents

.....

Mr. Shivam Nagalia i/b. Mr. Triyama Legal, Advocate for the Applicant.
Mr. P.H. Gaikwad, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 23, 2018.

P.C. :

This is an application for suspension of sentence. The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 vide judgment and order dated 16th November, 2004, passed by the Judicial Magistrate First Class, Pimpri, Pune, in CC No.364 of 2002. The applicant was sentenced to suffer rigorous imprisonment for three months and was directed to pay an amount of Rs.40,000/-, towards compensation. The applicant, thereafter, preferred an Appeal before the Sessions Court which has been dismissed vide order dated 12th October, 2017.

2 Learned advocate for the applicant submits that an amount of Rs.40,000/-, will be deposited before the trial Court, within a period of two weeks from today. It is submitted that the applicant was on bail during the trial as well as during the pendency of the Appeal. In the circumstances, the application for suspension of sentence can be allowed.

3 Hence, I pass the following order:

:: ORDER ::

- (i) The sentence of imprisonment awarded vide judgment and order dated 16th November, 2004, passed by the Judicial Magistrate First Class, Pinpari, Pune, in Criminal Case No.364 of 2002, which was confirmed by the Additional Sessions Judge-4, Pune, vide judgment and order dated 12th October, 2017, passed in Criminal Appeal No.318 of 2004, is suspended and the applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.15,000/-, with one or more sureties in the like amount subject to condition that applicant shall deposit an amount of Rs.40,000/-, within a period of two weeks from today;
- (ii) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)