

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.287 OF 2016

WITH

CRIMINAL APPLICATION NO.258 OF 2016

WITH

CRIMINAL APPLICATION NO.471 OF 2016

Mustaque Badruddin Shaikh

..Applicant.

V/s.

The State of Maharashtra & Anr.

..Respondents.

None for the applicant.

Mrs.M.R.Tidke, APP for the respondent.

Mr.Aashish Satpute for respondent No.2.

CORAM: NITIN W.SAMBRE, J.

DATE : APRIL 5, 2018

PC.:-

This revision is by the applicant-accused against the conviction by the learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai convicting him for an offence punishable under section 138 of the Negotiable Instruments Act, 1881 in C.C. No.4393/SS/2008 vide order dated December 12, 2013 with

directions to pay compensation of Rs.13 lakhs to the complainant. The conviction was confirmed in Criminal Appeal No.70 of 2012 by the learned Additional Sessions Judge, Greater Mumbai January 15, 2016.

2. Perusal of the record of the revision does not disclose that the applicant-accused has produced a copy of the judgment passed by the learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai in C.C. No.4393/SS/2008 vide order dated December 12, 2013 thereby convicting him.

3. It is also not clear as to whether pursuant to the dismissal of the appeal, the applicant has surrendered to his bail bonds.

4. When the matter is called out, none appeared for the applicant. Mr.Aashish Satpute for respondent-complainant submits that the revision be dismissed.

5. In the wake of above, by way of last chance, time of four weeks is granted to the applicant to place on record copy of the depositions and judgment of the learned Metropolitan

Magistrate convicting him which is also questioned in the present revision, failing which the revision shall stand dismissed without further reference to the Court.

6. Since there is no order of suspension of sentence and grant of bail passed to the applicant in the revision, it would be appropriate, in my opinion, to direct the learned Metropolitan Magistrate, 28th Court, Esplanade, Mumbai to issue conviction warrant pursuant to judgment dated December 12, 2013 in C.C. No.4943/SS/2008.

7. Stand over to May 3, 2018.

(NITIN W.SAMBRE, J.)