

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 289 OF 2018
WITH
CRIMINAL APPLICATION NO. 290 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 314 OF 2018

Modular Systems (Poona) Pvt. Ltd. & Anr. ... Applicants

Vs.

The State of Maharashtra & Anr. ... Respondents

...

Mr. Ujjwal Gandhi I/by Rishi Bhutu for the applicants.

Mr. Y.M. Nakhwa, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 22nd JUNE, 2018.

P.C.

1. These applications are preferred for suspension of sentence and grant of bail. The applicants are convicted for an offence punishable under Section 138 of Negotiable Instrument Act. The applicant No.1 is a Company and the applicant No.2 is the Managing Director. The court of learned Magistrate vide Judgment and Order dated 12th July, 2010 sentenced the applicant No.1 to pay fine of Rs.3,00,000/- and applicant No.2 was sentenced to suffer simple imprisonment for four months and was directed to pay a fine of Rs.6,00,000/-.

2. Learned counsel for the applicant submits that during the pendency of the proceedings before the Appellate Court an amount of

Rs.1,80,000/- has been deposited before the trial Court. The learned counsel for the applicant on instructions further submitted that applicant would deposit an amount of Rs.1,80,000/- within a period of four weeks from today. The statement is accepted as an undertaking to this Court.

3. In the aforesaid circumstances, the sentence of imprisonment awarded by the Court of learned Metropolitan Magistrate, 14th Court, Girgaon, Mumbai passed in Criminal Case No. 4837/SS/2005 vide Judgment and Order dated 12th July, 2010 which was confirmed by the Sessions Court vide Judgment and Order dated 4th May, 2018 in Criminal Appeal No. 424 of 2010 is suspended and the applicant No.2 is directed to be released on bail by executing PR Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one or two sureties in the like amount.

4. The applicant No.2 is directed to deposit an amount of Rs.1,80,000/- before the trial Court within a period of four weeks from today.

5. The Criminal Applications stands disposed of.

(PRAKASH D. NAIK, J.)