

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

**CRIMINAL APPLICATION NO. 376 OF 2018
WITH
CRIMINAL APPLICATION NO. 377 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 395 OF 2018**

Jayram Vittal Shetty	... Applicant
Vs.	
Bhusan M. Yadav & Anr.	... Respondents

...

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

...
CORAM : PRAKASH D. NAIK, J.
DATE : 31st JULY, 2018.

P.C.

1. These applications are seeking suspension of sentence and grant of bail. The applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, by the learned Metropolitan Magistrate, 30th Court, Kurla, Mumbai vide Judgment and Order dated 2nd March, 2017. The applicant was sentenced to pay fine of Rs.10,000/- in default to suffer simple imprisonment of one year. The applicant was further sentenced to pay compensation of Rs.27,65,000/-. The appeal

preferred by the applicant has been partly allowed by Sessions Court vide Judgment and Order dated 15th June, 2018.

2. Learned counsel for the applicant submits that the entire case of the complainant is false. It is submitted that the applicant had obtained loan from the complainant and at that point of time the cheque was handed over as a security which was misused by the complainant by putting an amount of Rs.20 Lakh. It is further submitted that this aspect has not been considered by both the Courts below.

3. Learned counsel for the applicant further submit that the applicant had deposited an amount of Rs.1,00,000/- during the pendency of appeal before the Sessions Court. It is further submitted by the counsel for the applicant, on instructions that the applicant would deposit an amount of Rs.2,00,000/- within a period of six weeks from today in this Court.

4. In the circumstances, the presently application for suspension of sentence can be granted. Whether the applicant should be directed to deposit further amount or not will be decided after the notice is served. Hence, I pass the following order.

ORDER

- (i) Pending hearing and final disposal of Criminal Revision Application No. 395 of 2018, the sentence of imprisonment awarded by the Court of Metropolitan Magistrate, 30th Court, Kurla, Mumbai vide Judgment and Order dated 2nd March, 2017 in Criminal Case No. 3001591/SS/2015, which was partly confirmed by the Sessions Court vide Judgment and Order dated 15th June, 2018, passed in Criminal Appeal No. 235 of 2017, 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;
- (ii) This interim order shall be in operation till next date of hearing subject to depositing an amount of Rs.2,00,000/- in this Court;
- (iii) Stand over to 11th September, 2018.

Sachidanand
Kuttan Nair

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(PRAKASH D. NAIK, J.)