

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

**CRIMINAL APPLICATION NO.407 OF 2017  
IN  
CRI. REVISION APPLICATION NO.431 OF 2017**

Chhotumiya Akram Inamdar

.. Applicant

**Vs.**

The State of Maharashtra & Anr.

.. Respondents

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Mr.Abdul K.Millawala, Advocate for the Applicant.

Mr.A.R. Kapadnis, APP for the Respondent – State.

Mr.T.D. Deshmukh, Advocate for Respondent No.2.

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**CORAM : PRAKASH D. NAIK, J.**

**DATED : FEBRUARY 14, 2018.**

**P.C. :**

The applicant is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, vide judgment and order dated 12<sup>th</sup> July, 2007, passed by J.M.F.C., Ghodegaon in S.T.C.No.52 of 2003. He is also directed to pay compensation of Rs.5,84,965/-, and in default to suffer simple imprisonment for six months. Appeal preferred by the applicant has been dismissed. Learned advocate for the applicant contended that there was no liability and the complainant has not established that the cheques were issued in discharge of liability.

Learned advocate for the applicant submits that the applicant is willing to deposit 50% of the amount of compensation within a period of three months from today. Learned advocate for the respondent, however, submitted that the applicant be directed to deposit the entire amount of compensation. Cheques were issued in the year 2002.

2            In the circumstances, the sentence can be suspended subject to certain conditions:

**:: ORDER ::**

- (i) Pending Revision Application No.431 of 2017, the sentence of imprisonment awarded by the Court of J.M.F.C., Ghodegaon in S.T.C. No.52 of 2003 vide judgment and order dated 12<sup>th</sup> July, 2007, which was confirmed by the Sessions Court vide judgment and order dated 11<sup>th</sup> May, 2017, passed in Criminal Appeal No.122 of 2014, is suspended and the applicant is directed to be released on bail on furnishing P.R. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;

- (ii) Applicant is directed to deposit 50% of the amount of compensation awarded by the trial Court within a period of three months from today and the balance amount of compensation within a period of 6 months from today. The amount shall be deposited before the trial Court.
- (iii) In case of default in depositing the amount, bail granted to the applicant shall liable to be cancelled;
- (iv) Criminal Application No.407 of 2017, stands disposed of.

**(PRAKASH D. NAIK, J.)**