

Dond

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

**CRIMINAL APPLICATION NO. 398 OF 2018
IN
REVISION APPLICATION NO. 417 OF 2018**

Sandip Narasinha Payas

..Applicant

Vs

M/s J.M. Mehta Travels And Tour & Ors

..Respondents

Mr. P.R. Arjunwadkar for applicant.

Ms. Veera Shinde, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 21st August 2018.

P.C.:

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] Heard the learned Counsel for the applicant and the learned APP. Perused the record.

3] The applicant is convicted under Section 138 of the Negotiable Instruments Act is sentenced till rising of Court and to pay a fine of Rs.3.00 lakhs, in default of payment of fine to further suffer simple imprisonment for two months by the learned Judicial Magistrate First Class, Pune in C.C. No. 29355 of 2010, by its Judgment and Order dated 4.3.2014. Criminal

Appeal bearing No. 208 of 2014 preferred by the applicant has been dismissed by the learned District Judge-5 And Additional Sessions Judge, Pune by its Judgment and Order dated 29th June 2018.

4] The learned counsel for the applicant submitted that, as a matter of fact the applicant is intending to deposit Rs.3.00 lakhs in the Registry of the Trial Court. However, the some period may be granted to the applicant to make arrangement of the said amount. He submitted that, the applicant has already deposited Rs.28,000/- with the Trial Court and balance amount of Rs.2,72,000/- will be deposited in three installments. He submitted that the first installment of Rs.91,000/-, second installment of Rs.90,500/- and third installment of Rs.90,500/- will be paid on or before 28.8.2018, 28.9.2018 and 28.10.2018 respectively. He tendered Undertaking duly affirmed by the applicant across the bar to that effect. The same is taken on record and marked "X" for identification. The undertakings mentioned in the said undertaking are accepted as undertakings given to this Court.

5] It is however made clear that, the period to deposit the said installments shall not be extended on any count and even one single default in making the payment of installment will attract the cancellation of bail

granted to the applicant by this Court.

In view thereof, the applicant can be released on bail.

Hence the following Order:

(i) During the pendency of the Revision, the substantive sentence imposed upon the applicant is suspended.

(ii) During the pendency of the Revision, the applicant be released on bail on his furnishing PR bond in the sum of Rs.15,000/- with one or two local sureties in the like amount.

6] Application is allowed in the aforesaid terms.

(A.S.GADKARI, J.)

Anil	Digitally signed
Chandrakant	by Anil
Dond	Chandrakant
	Dond
	Date: 2018.08.24
	17:19:42 +0530