

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 469 OF 2018
WITH
CRIMINAL APPLICATION NO. 470 OF 2018
IN
REVISION APPLICATION NO.503 OF 2018**

Dilip Sarjerao Mhaske ... Applicant
VS.
Pradnya Pravin Salkar & Anr. ... Respondents

Mr. Sushil Kumar Shukla i/b. Mr. Deepak Kasbe a/w. Satyaprakash
Srivastava, Advocate for the applicant.
Mr. A.R. Patil, APP for the respondent no. 2/State.

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 16th October, 2018**

P.C. :

The applicant/accused is convicted for the offence punishable under section 138 of Negotiable Instruments Act by the judgment and order dated 17th December, 2016 passed by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai. The applicant/accused is sentenced to suffer S.I. for a period of three months and pay compensation of cheque amount of Rs.15,00,000/- to the complainant within one month from the date of order and in default, to suffer further S.I. for 15 days. The applicant/accused has challenged the said judgment and order in

Criminal Appeal No. 22 of 2017 and the learned Additional Sessions Judge, City Civil & Sessions Court, Greater Bombay by order dated 8th August, 2018 dismissed the Criminal Appeal and confirmed the judgment and order of the learned Metropolitan Magistrate.

2. The learned counsel for the applicant/accused submitted that the learned Magistrate has issued the warrant of conviction and therefore, the applicant is before the Court and prays for suspension of sentence and to grant bail. The learned counsel submitted that the applicant is present in the Court. He further submitted that the applicant has already deposited Rs.2,25,000/- before the Metropolitan Magistrate Court and now he is ready to deposit Rs.5,00,000/-, which will be 50% of the amount.

3. Learned APP submitted to the order of the Court.

4. This is bailable offence. In view of the submissions made by the learned counsel for the applicant, both the applications are allowed with the following order:

(i) The sentence is hereby suspended;

- (ii) The applicant/accused is released on bail on furnishing P.R. Bond of Rs.20,000/- with one or two sureties in the like amount;
- (iii) The applicant/accused is directed to deposit Rs.5,00,000/- on or before 24th October, 2018;
- (iv) The bail is granted on acceptance of statement that the applicant/accused is going to deposit Rs.5,00,000/-;
- (v) The complainant is allowed to withdraw the said amount of Rs.5,00,000/-;
- (vi) The warrant of conviction is hereby stayed.

- 5. Criminal Applications are disposed of on above terms.
- 6. List the Revision Application as per C.M.I.S. date.

(MRIDULA BHATKAR, J.)