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

CRIMINAL APPLICATION NO. 473 OF 2018

IN

REVISION APPLICATION NO. 507 OF 2018

Mr. Ashir Ali

..Applicant

Vs

The State of Maharashtra & Anr

..Respondents

Mr. Akhilesh Singh with Parth Pandey for applicant.

Mr. Amit Palkar, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 26th September 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 Negotiable Instruments Act and is sentenced to suffer simple imprisonment for five months and to pay fine of Rs.7,25,000, in default of payment of fine, to further suffer simple imprisonment for four months by the learned Metropolitan Magistrate, 48th Court, Andheri, Mumbai in C.C.

No.1450/SS/2009, by its Judgment and Order dated 21.09.2013. Criminal Appeal bearing No. 266 of 2015 preferred by the applicant has been dismissed by the learned Additional Sessions Judge & Special Judge, Greater Mumbai, its Judgment and Order dated 03/09/2018.

4] The learned counsel for the applicant submitted that, during the pendency of the appeal, the applicant has deposited a sum of Rs.1,52,000/- out of total fine of Rs.7,25,000/- in the Registry of Trial Court. He submitted that, there is balance amount of Rs.5,73,000/- towards fine amount to be deposited by the applicant in the Trial Court. He submitted that, the said balance amount will be deposited within a period of four weeks from today. The said statement is accepted.

5] As the maximum sentence imposed upon the applicant is simple imprisonment of five months and the possibility of hearing the Revision in near future is remote, I am inclined to suspend the substantive sentence of the applicant and release him on bail subject to condition that the applicant shall deposit the balance fine amount of Rs.5,73,000/- in the Trial Court within a period of four weeks from today. It is to be noted here that, payment of balance amount of fine within the stipulated period is condition precedent for suspending the sentence and for releasing the applicant on

bail.

6] 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.

7] Application is allowed in the aforesaid terms.

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Chandrakant
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by Anil
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2018.10.05
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(A.S.GADKARI, J.)