

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

REVISION APPLICATION (ST) NO.705 OF 2016

M/s. Eswar Air Cargo & Anr.

... **Applicants**

V/s.

Gammon Logistics Ltd. & Anr.

... **Respondents**

None for the Applicants.

Mr. Arfan Sait, APP for the Respondent State.

CORAM : A.S.GADKARI, J.

DATE : 23rd AUGUST 2018

P.C.:

1. None for the Applicants.
2. Heard the learned APP. Perused the record.
3. The present Revision Application is directed against the dismissal of Miscellaneous Application No.1485/2015 preferred by the applicants by the learned Additional Sessions Judge, Sessions Court, Greater Mumbai by its Order dated 27.11.2015, thereby confirming the directions issued by the said Court in Appeal No.453/2015, directing the applicants to deposit 20% of compensation amount in the Trial Court within three weeks while granting stay to the operation and execution of the substantive

sentence imposed upon the applicants by the Trial Court i.e. the learned Metropolitan Magistrate 7th Court, Dadar, Mumbai in C.C.No.66/SS/2010.

4. Learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai by the impugned Judgment and Order dated 09.04.2015 was pleased to convict the applicants under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer rigorous imprisonment for three months and to pay compensation of Rs.7,50,000/- within a period of three months from the date of order.

5. *Prima-facie* it appears that the directions issued by the learned Additional Sessions Judge, Sessions Court, Greater Mumbai while admitting the appeal and granting stay to the operation and execution of the substantive sentence i.e. deposit of 20% of the compensation amount in the Trial Court appears to be just, reasonable and proper and requires no further interference by this Court.

6. Revision Application is accordingly rejected.

(A.S.GADKARI, J.)