

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 587/2018

Anil S/o. Bapu Patil
..VS..
Shantilal S/o. Kesharimal Jain

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.G. Rathi, Advocate for the petitioner
Shri S.G. Karmakar, Advocate for the respondent

CORAM : Z.A.HAQ, J.
DATED : 17/10/2018

Heard.

The respondent had filed a complaint under Section 138 of the Negotiable Instruments Act, 1881 which is allowed by the learned Magistrate by the judgment delivered on 27/04/2018. The learned Magistrate has convicted the present petitioner and has directed that the petitioner shall pay the compensation of Rs. 20,00,000/- to the respondent. The petitioner has challenged the judgment passed by the learned Magistrate by filing appeal before the Sessions Court and prayer for interim order is also made before the Sessions Court. By the order dated 08/06/2018, the learned Sessions Judge has suspended the sentence however on condition that the petitioner deposits 25% of the amount of compensation in the Court. Being aggrieved by the condition of deposit of 25% of the amount of compensation, the petitioner has approached this Court by this petition.

The submission on behalf of the petitioner is that he has already deposited the amount of Rs. 14,50,000/- in the account of the respondent and in equities, the learned Sessions Judge should not have imposed such harsh condition of depositing Rs. 5,00,000/-.

After hearing the learned advocates for the respective parties, only clarification which is required is that the amount of Rs. 5,00,000/- which the petitioner has to deposit as per the condition imposed by the learned Sessions Judge shall not be disbursed till decision of the appeal. As far as imposition of the condition by the learned Sessions Judge is concerned, I am not inclined to interfere with it.

With the above observation, the writ petition is **disposed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari