

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL MISC. APPLICATION NO. 146 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 19 OF 2019

MANOJ MARUTI GHATEGASTI, PRESENTLY
IN JUDICIAL CUSTODY., ... Applicant

Versus

STATE OF GOA, THR. THE PUBLIC
PROSECUTOR AND ANR., ... Respondents

Mr. Vibhav Rajiv Amonkar, Advocate for the Applicant.
Mr. Pravin Faldessai, Additional Public Prosecutor for the
Respondent no.1.

Coram:- SMT. MRIDULA R. BHATKAR, J.

Date:- 15th May 2019

An application is moved for suspension of sentence pending revision application.

2. The applicant-accused is convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1888, by the learned Judicial Magistrate First Class, 'B' Court, Bicholim by judgment and order dated 31.03.2018. The applicant-accused is sentenced till the rising of the Court and also is directed to deposit the amount of Rs.46,000/- towards the compensation within a period of three months from the date of the judgment and order.

3. The learned Counsel for the applicant submits that during the trial, the applicant-accused was on bail throughout and however he is taken in custody on 08.04.2019 for non-compliance of the order of the payment of compensation of Rs.46,000/-. Learned Counsel submits that he has filed an appeal challenging the said order before the Sessions Court. However, there is a delay of 317 days. His application for condonation of delay is dismissed by the Sessions Court and the applicant-accused is taken in custody. Hence, he has filed the revision application against the said order of refusal of condonation of delay and for the suspension of sentence. The learned Counsel for the applicant-accused further submits that he has deposited the entire amount of Rs.46,000/- with the Complainant.

4. The learned Additional Public Prosecutor submits to the orders of the Court.

5. In view of the submissions made by the learned Counsel for the applicant-accused and as the applicant-accused was on bail throughout and the offence is bailable, the application for suspension of sentence is allowed with the following order :

ORDER

- (i) The application is allowed.

(ii) The sentence is suspended till the pending revision application.

(iii) The applicant-accused is released on a bond of Rs.10,000/- with one surety in the like amount to the satisfaction of the Registrar (Judicial) of this Court.

(iv) The applicant-accused shall make himself available throughout the revision application.

6. Authenticated copy be issued to the parties in accordance with law.

SMT. MRIDULA R. BHATKAR, J.

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