

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 17 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 1 OF 2019**

Rohinton Rashid Zenbaf ...Applicant
Versus
The State of Maharashtra & anr. ...Respondents

Mr. Karan Jain, i/b Mr. Abad Ponda, for the Applicant.
Mrs. M. H. Mhatre, APP for the State/Respondent.
Mr. Rohan Sonawane, a/w Mr. Sujeet Jagtap, for Resopndent
no.2.

**CORAM: N. J. JAMADAR, J.
DATED : 13th DECEMBER, 2019**

PC:-

1. Heard the learned Counsels for the parties.
2. This is an application for suspension of sentence and enlarging the applicant on bail.
3. The applicant has been convicted by the judgment and order dated 7th April, 2011, passed by the learned Metropolitan Magistrate, 7th Court, Dadar, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, in CC No.21074/SS/2008 and sentenced to suffer simple imprisonment till rising of the Court and directed to pay compensation of Rs.9,25,000/- to the complainant, with default stipulation. On appeal, being Criminal Appeal No. 762 of 2014,

the learned Sessions Judge, Greater Bombay, by judgment and order dated 26nd July, 2018, was persuaded to dismiss the appeal and confirm the judgment and order passed by the learned Magistrate.

4. Being aggrieved, the applicant has invoked the revisional jurisdiction of this Court.

5. Mr. Jain, the learned Counsel for the applicant submits that the applicant was on bail during the pendency of the trial and appeal as well. The applicant has deposited an amount of Rs.95,000/- towards compensation as directed to be paid by the learned Magistrate. It is unlikely that the revision application can be heard and decided in the immediate future. Hence, the applicant deserves to be enlarged on bail. Thus, the following order.

: O r d e r :

- (i) The sentence imposed by the learned Metropolitan Magistrate, 7th Court, Dadar, by the judgment and order dated 7th April, 2011, for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, in CC No.21074/SS/2008, and confirmed by the the learned Sessions Judge, Greater Bombay, by judgment and order dated 26nd July, 2018, in Criminal

Appeal No. 762 of 20147, stands suspended till the disposal of the revision application.

- (iii) The applicant be released on bail on furnishing a PR Bond of Rs.15,000/- and a surety in the like amount to the satisfaction of the learned Magistrate.
- (iii) The applicant shall deposit an amount of Rs.1,50,000/- towards compensation in the Court of the learned Metropolitan Magistrate, 7th Court, Dadar, within four weeks from today. In the event of failure, this order shall stand vacated automatically.
- (iv) The application stands disposed of.

[N. J. JAMADAR, J.]