

vks

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

**CRIMINAL APPLICATION NO. 30 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.350 OF 2017
WITH
CRIMINAL APPLICATION NO. 31 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.350 OF 2017**

Rakesh Vijaynath Dubey	...	Applicant
V/s.		
Shree Ambika Printers & Publications and anr	...	Respondents

Mr.Pankaj Dwivedi, for the Applicant.
Mr. Vinod Chate, APP for respondent State.

CORAM : N. J. JAMADAR, J.

DATE : 4th December, 2019.

PC. :

- 1] Heard the learned counsel for the applicant and the learned APP for the State.
- 2] None present for respondent No.1/original complainant.
- 3] These applications have been preferred for suspension of the sentence and enlarging the applicant on bail during the pendency of the Revision Application.
- 4] The applicant was convicted for the offence punishable under Section

138 of the Negotiable Instruments Act, 1881 and sentenced to suffer simple imprisonment for six months and pay fine of Rs.9,93,125/- with default stipulation, by the learned Metropolitan Magistrate 56th Court, Mazgaon, Mumbai, by the judgment and order dated 4th April, 2014, in C.C.No.5700133/SS/2013.

5] The applicant carried the matter in appeal being Criminal Appeal No.959 of 2015, before the Court of Sessions, Greater Bombay. By the judgment and order dated 17th March, 2017, the learned Additional Sessions Judge, dismissed the appeal. It was further ordered that an amount of Rs.2,48,281/- deposited by the applicant/accused towards part of fine amount be paid to the complainant -respondent No.1 after the appeal period is over.

6] The learned counsel for the applicant submits that applicant has deposited 25% of fine amount before the Appellate Court when he was released on bail. The applicant was on bail during the pendency of the trial and the appeal as well.

7] Considering the fact that the applicant has deposited 25% of fine amount and the fact that applicant was on bail during the trial as also the appeal and it is unlikely that the Revision Application can be heard and decided in immediate future, the applicant deserves to be released on bail. Hence, the following order:-

Order

i] The sentence, imposed by the learned Metropolitan Magistrate, 56th Court, by the judgment and order dated 4th April, 2014, in C.C.No.5700133/SS/2013 and confirmed by the Appellate Court in Appeal No.959 of 2015, by order 17th March, 2017, stands suspended till the decision of Revision Application, subject to applicant's depositing further amount of Rs.1,50,000/- in this Court, within a period of four weeks from today.

ii] The applicant be released on bail, on furnishing a P.R. bond in the sum of Rs.10,000/- and a surety in the like amount, to the satisfaction of the learned Metropolitan Magistrate, 56th Court, Bombay.

iii] The applicant shall attend this Court as and when directed for the purpose of hearing of the Revision Application.

iv] In the event of failure on the part of applicant to deposit the amount of Rs.1,50,000/- within the stipulated period, this order would stand vacated automatically.

v] Criminal Application Nos. 30 of 2018 and 31 of 2018 stand disposed of accordingly.

[N. J. JAMADAR, J.]