

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

**CRIMINAL APPLICATION NO.18 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.13 OF 2019**

M/s.Bansal Properties
through its Partners – Gangabhishan Barumal ... Applicants
Agarwal & Ors.

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.Aniket Nikam I/b V.N. Arote for the Applicants

Mr.Vinod Chate, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 11, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicants/accused are convicted under section 138 of the Negotiable Instruments Act by the learned Judicial Magistrate First Class, Pune by order dated 27.9.2017 and are sentenced till rising of the Court and to pay fine of Rs.6 lakhs and I/d to suffer S.I. for 6 months. Accused No.5 has been directed to pay the said amount by way of compensation to the complainant. Against the

said order, the applicants/accused filed Criminal Appeal No.495 of 2017 which was confirmed by the learned Additional Sessions Judge, Pune vide order dated 21.12.2018 and hence, this application and revision.

3. The learned Counsel appearing for the applicants/accused submits that the applicants/accused have a good case on merits. He submits that as per the directions given by the learned Sessions Judge, the applicants have deposited 25% of the amount of compensation in the appeal in the Sessions Court, within two weeks. He, therefore, prays for bail and suspension of impugned sentence, pending revision.

4. Learned Prosecutor is present and submits to the orders of the Court.

5. In view of the submissions of the learned Counsel and also as there is no chance that the Revision Application will be heard in near future, the application is allowed on the following terms:

- i) The applicants/accused shall deposit a sum of Rs.50,000/- each, with two weeks.

ii) Subject to the deposit being made as mentioned above in clause (i), the applicants/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- each, with one or two sureties in the like amount;

iii) The applicants/accused shall make themselves available on all the Court dates.

6. Issue notice to the respondents in the Criminal Revision Application, returnable on **8.3.2019**.

7. Criminal Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)