

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

**CRIMINAL APPLICATION NO.23 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.16 OF 2019**

Shri Arun Madhukar Sabnis & anr. ... Applicants

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.S.R. Pawar for the Applicants

Mr.A.R. Patil, 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 Criminal Application is moved by the applicants/accused for suspension of the impugned judgement and conviction dated 7.12.2013 and also for bail pending the Criminal Revision Application. The applicants/accused were convicted for the offence under section 138 of the Negotiable Instruments Act, by order dated 7.12.2013 passed by the learned JMFC, Bandra, Mumbai in CC No.3302/SS/2009. The said order was challenged by way of

Criminal Appeal No.236 of 2014, which was partly allowed whereby appellant No.2 was acquitted, however, the conviction of the present applicants was confirmed by the learned Sessions Judge, Greater Mumbai, by order dated 19.11.2018.

3. The learned Counsel for the applicants submits that the applicants/accused has a good case on merits. It is a bailable offence. He also submits that the judgment of conviction passed by the learned Sessions Judge is not uploaded and, therefore, he does not have a copy of the same. Further, the accused were on bail throughout the trial and also during the appeal.

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.5 lakhs in the Court of the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai in two installments. The first installment of Rs.2 lakhs shall be deposited on or before

25.1.2019 and the second installment of Rs.3 lakhs shall be deposited on or before 21.2.2019;

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/- with one or two sureties in the like amount;

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

6. The learned Sessions Judge is directed to upload the impugned judgment immediately.

7. Issue notice to the respondents in the Criminal Revision Application, returnable on 5.4.2019.

8. Criminal Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)