

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

CRIMINAL WRIT PETITION NO.355 OF 2019

Shri Milind P. Vaidya

... Petitioner

Vs

The State of Maharashtra & anr.

... Respondents

Mr.Rajesh D. with Prathamesh Ayare i/b RAM Legal for the
Petitioner

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 18, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This is a Writ Petition challenging the order under section 138 of the Negotiable Instruments Act. The learned Sessions Judge, Mumbai, by order dated 21.12.2018 passed in Appeal No.617 of 2018 has revoked the order of suspension of sentence upon failure of the petitioner to deposit the amount as directed by the Sessions Court. The learned Sessions Judge has directed the trial Court to execute the substantive sentence for failure to deposit the amount, pending appeal.

3. The learned Counsel for the petitioner submits that the petitioner/accused is ready to deposit a demand draft of Rs.9 lakhs before the Registrar, City Civil & Sessions Court, Bombay.

4. In view of the submission of the learned Counsel, the petitioner is directed to deposit the demand draft of Rs.9 lakhs before the Registrar, City Civil & Sessions Court, Bombay on or before 22nd February, 2019. As the petitioner is ready to deposit the demand draft of Rs.9 lakhs and considering the prayers made in this petition, there is no need to give notice to Respondent No.2, the original complainant, as the order dated 26.9.2018 is going to be complied with. Hence, the order dated 21.12.2018 is hereby set aside. The petitioner/accused to comply with the statement made before this Court.

5. With the aforesaid direction, the Writ Petition is disposed of accordingly.

6. All concerned to act on an authenticated copy of this order.

(MRIDULA BHATKAR, J.)