

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

**CRIMINAL APPLICATION NO. 62 OF 2019  
WITH  
CRIMINAL APPLICATION NO. 63 OF 2019  
IN  
CRIMINAL REVISION APPLICATION NO. 40 OF 2019**

M/s Nath Krupa Steel Works and Anr. ...Applicants

Vs.

Mr. Zuber Ahmed Siddique and Anr. ..Respondents

Mr. R.R. Sonavane i/by Mr. Patil for the Applicants.

Mr. R.M. Pethe APP for the Respondent-State.

**CORAM : A.S. GADKARI J.  
DATE : 28<sup>th</sup> August, 2019**

**P.C. :-**

1. These are applications for suspension of substantive sentence and for releasing the applicants on bail.
2. The applicants-original accused, are convicted under Section 138 of Negotiable Instruments Act and are sentenced to suffer simple imprisonment for three months and to pay fine of Rs. 6,04,500/- in default of payment of fine, to further suffer simple imprisonment for three months by the learned Metropolitan Magistrate 70<sup>th</sup> Court, Mazgaon, Mumbai

in C.C. No. 7001190/SS/2015 by its Judgment and Order dated 12<sup>th</sup> August, 2016.

The Criminal Appeal No. 694 of 2016 preferred by the applicants has been dismissed by the learned Additional Sessions Judge, Gr. Bombay, by its Judgment and Order dated 10<sup>th</sup> January 2019.

3. The learned Counsel for the applicants submitted that after dismissal of Appeal, the trial Court has issued conviction warrant against the applicant.

4. As the sentence imposed upon the applicants is short term sentence, I am inclined to suspend the substantive sentence imposed upon the applicants and to release them on bail subject to condition that the applicants shall deposit entire amount of fine in the Registry of trial Court within two weeks from today. Upon deposit of said fine amount, substantive sentence imposed upon the applicants shall stand suspended during pendency of the present Revision.

5. Hence, following order :

(i) During the pendency of the present Revision Application, the substantive sentence imposed upon the applicants is hereby suspended.

(ii) During the pendency of the present Revision, the applicants are released on bail on the following terms and conditions.

*(a) The applicant No.2 be released on bail on his furnishing PR Bond of Rs.10,000/- with one or two local sureties in the like amount.*

*(b) The procedure for bail be complied with before the trial Court.*

*(c) It is made clear that, If the applicants fails to deposit said amount within a period of two weeks from today, Order suspending substantive sentence and releasing applicant no. 2 on bail shall stand revoked without further reference of this Court.*

6. Applications are allowed in the aforesaid terms.

7. All the concerned to act on the basis of authenticated copy of this order.

**(A.S.GADKARI, J.)**