

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

**CRIMINAL APPLICATION NO.125 OF 2019
with
CRIMINAL APPLICATION NO.126 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.132 OF 2019**

Hiran Orgochem Limited & anr. ... Applicants

Vs.

The State of Maharashtra & anr. ... Respondents

Mr.Jatin shah with Dipen Furia, Ms.Snehankita Munj i/b M/.Shah &
Furia Associates for the Applicants

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: MARCH 7, 2019

P.C.:

1. These applications are filed for bail and suspension of the impugned judgment and conviction. The applicants are convicted by the learned Metropolitan Magistrate, 48th Court, Andheri, Mumbai, for the offence under section 138 of the Negotiable Instruments Act and sentenced to suffer S.I. for 4 months and payment of fine of Rs.16 crores. The said order of conviction was confirmed by the learned Sessions Judge by order dated

27.2.2019 in Criminal Appeal No.268 of 2013. However, the order of sentence was reduced from 4 months S.I. till rising of the Court and accused Nos.1 and 2 are sentenced to pay a fine of Rs.1,02,50,000/- with interest @ 15% p.a.

2. The learned Counsel for the applicants/accused submits that the applicants/accused are not taken in custody, however, the learned Counsel seeks bail and suspension of sentence. The applicant No.2 undertakes to remain present at the time of hearing of the application.

3. Learned Prosecutor appearing of the State submits to the orders of the Court.

4. Heard. Considering the submissions of the learned Counsel and as it is a bailable offence and also as there is no chance that the Revision Application will be heard in near future, the criminal applications are allowed on the following terms:

- i) The applicants/accused shall deposit a sum of Rs.10 lakhs in the trial Court within four weeks from today.

ii) Subject to the deposit being made as mentioned above in clause (i), the impugned judgement and sentence dated 27.2.2019 in Criminal Appeal No.268 of 2013 shall stand suspended pending revision and 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 applicant No.2 / accused shall make himself available on all the Court dates.

5. Issue notice to the respondents in the Criminal Revision Application, returnable on 24.4.2019.

6. Both the Criminal Applications stand disposed of accordingly.

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

(MRIDULA BHATKAR, J.)