

Vidya Amin.

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

**CRIMINAL APPLICATION NO. 174 OF 2019
WITH
CRIMINAL APPLICATION NO. 175 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 183 OF 2019**

**a/w.
CRIMINAL APPLICATION NO. 176 OF 2019
WITH
CRIMINAL APPLICATION NO. 177 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 184 OF 2019**

**a/w.
CRIMINAL APPLICATION NO. 178 OF 2019
WITH
CRIMINAL APPLICATION NO. 179 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 185 OF 2019**

**a/w.
CRIMINAL APPLICATION NO. 180 OF 2019
WITH
CRIMINAL APPLICATION NO. 181 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 186 OF 2019**

**a/w.
CRIMINAL APPLICATION NO. 182 OF 2019
WITH
CRIMINAL APPLICATION NO. 183 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 187 OF 2019**

Malkit Singh Hundal	...	Applicant
vs.		
CFL Capital Financial Services & Ors.	...	Respondents

Mr. Mohd. Shine a/w. Mr. Subhash Bijlani i/b. Mr. Manish Rai,
Advocate for the applicant in all the Applications.
Mr. A.R. Patil, APP for the respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: 16th April, 2019

P.C. :

Upon urgent mentioning, taken on production board.

2. In all these Criminal Applications in five Revision Applications, the complainant and the applicant/accused are the same parties. The applicant/accused is prosecuted for the offence punishable under section 138 of Negotiable Instruments Act, 1881 by the judgment and order dated 6th June, 2014 passed by the learned Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai in five similar cases of dishonouring of five cheques against the payment of loan advanced by the complainant for hire purchase of the vehicle. The Applications are filed for suspension of sentence and for bail. All these Applications in the respective Criminal Revision Applications are decided by the common order.

3. The learned Metropolitan Magistrate has convicted the applicant/accused for the offence punishable under section 138 of Negotiable Instruments Act, 1881 and is sentenced to suffer simple

imprisonment for three months and to pay compensation in each case. The said order was confirmed in the respective Criminal Appeals where the learned Additional Sessions Judge by the judgment and order dated 27th February, 2019 confirmed the orders of the learned Metropolitan Magistrate. The details of which are as under:

High Court Proceedings	Metropolitan Magistrate Proceedings	Sessions Court Proceedings
Rev. Appln. No. 183 of 2019	C.C. No. 463/SS/2006	Appeal No. 621/2014
Rev. Appln. No. 184 of 2019	C.C. No. 462/SS/2006	Appeal No. 620/2014
Rev. Appln. No. 185 of 2019	C.C. No. 460/SS/2006	Appeal No. 618/2014
Rev. Appln. No. 186 of 2019	C.C. No. 461/SS/2006	Appeal No. 619/2014
Rev. Appln. No. 187 of 2019	C.C. No. 464/SS/2006	Appeal No. 622/2014

4. The learned Counsel for the applicant/accused submitted that it is a bailable offence. He submitted that the applicant was on bail throughout the trial and also during the appeal. He submitted that the cheque amount in all the five cheques is Rs.30,435/- each towards the EMI for the payment of loan. The total amount comes to Rs.1,52,175/-, however, the applicant has deposited Rs.1,96,000/- till today.

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

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

- i) The sentence is suspended, pending these Criminal Revision Applications;
- ii) The applicant/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 before the trial Court;
- (iii) The applicant/accused shall make himself available on all the Court dates.
- (iv) The applicant/accused shall not indulge into any criminal activity;

7. All the Criminal Applications stands disposed of accordingly.

8. Issue notice to the respondents in all the Criminal Revision Applications, returnable on 16th September, 2019.

(MRIDULA BHATKAR, J.)