

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

**CRIMINAL APPLICATION No. 201 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 199 OF 2019**

Sumit Jain ...Applicant

Versus

Mrs.Ranjan Dilip Vanigota & Anr. ...Respondents

Mr.Priyal G. Sarda for the Applicant.

Mrs. Veera Shinde, APP for Respondent No.2-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 04 APRIL 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.
2. Leave to amend. Amendment to be carried out forthwith.
3. This Criminal Application is moved by the applicant/accused for suspension of the sentence and also for bail. By the judgment and order dated 15th October, 2018 passed by the learned Metropolitan Magistrate, 70th Court, Mazgaon, Mumbai in C.C.No.7000528/SS/2017,the applicant/accused was convicted for the offence punishable under section 138 of Negotiable Instruments Act and was sentenced to suffer S.I. for six

months and was also directed to pay a fine of Rs. 39,50,000/- and in default to suffer further S.I. for six months. Out of the said amount, Rs. 39,30,000/- to be paid to the complainant and rest of the amount to be credited to the State. The said judgment and order was confirmed by the learned Additional Sessions Judge, Greater Bombay in Criminal Appeal No. 730 of 2018 by the judgment and order dated 29th March, 2019.

4. The learned Counsel for the applicant/accused has submitted that the applicant/accused is outside. Further, the applicant/accused was on bail throughout the trial and also during the appeal. Hence, the learned Counsel prays that sentence be suspended and bail be granted to the applicant/accused.

5. The learned Public 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 Application will be heard in near future, the application is allowed on the following terms:

(i) The impugned sentence is suspended till the hearing of the Criminal Revision Application;

(ii) The applicant/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/accused to deposit 20% of the cheque amount in the Court of the learned Metropolitan Magistrate, 70th Court, Mazgaon, Mumbai on or before 30th April, 2019;

(iv) The order of payment of fine is stayed till the next date i.e., 3rd September, 2019;

(v) The applicant/accused shall make himself available at the time of hearing of Criminal Revision Application;

(vi) The applicant/accused shall not jump the bail.

7. The original complainant i.e., respondent No.1 is allowed to withdraw the amount on an usual undertaking as and when deposited by the applicant/accused.

8. Criminal Application stands disposed of accordingly.

9. Parties to act upon an authenticated copy of this order.
10. List Criminal Revision Application on 3rd September, 2019.

(MRIDULA BHATKAR, J.)