

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

**CRIMINAL APPLICATION NO. 220 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 218 OF 2019**

Sushil Lachman Punjabi

...Applicant

Versus

State of Maharashtra & Anr.

...Respondents

.....
Mr.Murtaza Nazmi a/w. Mr.Durgesh Tiwari I/b. Mr.Dilip H. Shukla for
the Applicant.

Mr. N.B. Patil, APP for Respondent No.1-State.

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**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 15 APRIL 2019**

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This Criminal Application is moved by the applicant/accused for suspension of sentence and bail. The applicant/accused is convicted under section 138 of the Negotiable Instruments Act by judgment and order dated 18.09.2014 passed by the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai in C.C. No. 3054/SS/2012 and sentenced to suffer S.I. for 6 months and directed to pay

compensation of Rs. 24,00,000/- along with interest thereon at the rate of Rs. 9% p.a. from 20.11.2012 to the original complainant within 45 days from the date of the said order, and in default to suffer S.I. for 45 days. The said order was challenged in Criminal Appeal No. 1013 of 2014. The said Appeal was dismissed by judgment and order dated 27.03.2019 passed by the learned Ad-hoc Additional Sessions Judge, Sessions Court, Gr. Mumbai. Hence, this Application.

3. The learned Counsel for the applicant/accused submits that the applicant/accused was on bail throughout the trial and appeal. He further submits that the applicant/accused has already deposited Rs. 16,00,000/- towards compensation in the trial Court.

4. The learned Prosecutor submits to the order passed by this Court.

5. Heard. In view of the submissions made by the learned Counsel and considering the nature of the offence, the application is allowed on the following terms:

- i) The impugned sentence is suspended pending 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 shall not jump the bail;

iv) The applicant/accused shall make himself available at the time of hearing of Revision Application.

6. Criminal Application is disposed of on above terms.

7. Issue notice to the respondents in Criminal Revision Application, returnable on 22nd July, 2019.

8. All concerned to act upon an authenticated copy of this order.

(MRIDULA BHATKAR, J.)