

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 238 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 232 OF 2019
WITH
CRIMINAL APPLICATION NO. 237 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 232 OF 2019

Dr. Purnima Mhatre

...Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. P.C. Mohite for the Applicant.

None for the Respondents.

CORAM : A. S. GADKARI, J.
DATE : 27th AUGUST, 2019.

P.C.:-

These are the Applications for suspension of sentence and for releasing the Applicant on bail.

2 The Applicant is convicted under Section 138 read with Section 141 of the Negotiable Instruments Act and is sentenced to suffer imprisonment till rising of Court and also directed to pay compensation of Rs.4,10,000/- within one month from the date of

passing of the Judgment and Order by the Trial Court to the Complainant, in default of payment of compensation to further undergo rigorous imprisonment for six months by the learned Metropolitan Magistrate, 7th Court, Dadar, Mumbai in C.C. No. 7087/SS/2011 by its Judgment and Order dated 15th April, 2015.

3 The Criminal Appeal No. 478 of 2015 preferred by the Applicant has been dismissed by the learned Ad-hoc Additional Sessions Judge, Greater Mumbai by its Judgment and Order dated 28th March, 2019.

4 Mr. Mohite, the learned counsel for the Applicant submitted that, the Applicant has already undergone substantive sentence and presently she is in Jail undergoing in default sentence.

5 In view of the above, I am inclined to suspend the sentence and release the Applicant on bail, subject to condition that the Applicant shall deposit a sum of Rs.2,10,000/-, in the Registry of this Court before her actual release from Jail.

Hence the following order-

- a) During the pendency of the Revision Application, the substantive sentence imposed upon the Applicant is hereby suspended.

- b) During the pendency of the Revision Application, the Applicant be released on bail on her furnishing PR bond of Rs.10,000/- with one or two local sureties in the like amount.
- c) The procedure for bail be completed before the Trial Court.
- d) It is made clear that, the deposit of the said amount of Rs.2,10,000/- in the Registry of this Court is a condition precedent for actual release of the Applicant from Jail.
- e) Both the Applications are allowed in the aforesaid terms.

All the concerned to act on the basis of an authenticated copy of this Order.

(A.S. GADKARI, J.)