

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

**CRIMINAL APPLICATION NO. 248 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 240 OF 2019**

Stoneman Royal Ltd. & Anr.

...Applicants

Versus

Manekji Mota (HUF) & Anr.

...Respondents

Mr.Rushit P. Thakkar I/b. Mrs. Malika A Ingale for the Applicants.
Mrs. Veera Shinde, APP for Respondent No.2-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 23 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 for the offence punishable under section 138 read with 141 of the Negotiable Instruments Act, and accused No.1 is sentenced to pay a fine of Rs.45,04,278/- and accused No.2 is sentenced to suffer S.I. for six months and directed to pay a fine of Rs.10,000/-, in default to suffer

S.I. for seven days by judgment and order dated 18th June, 2014 passed by the learned Metropolitan Magistrate, 56th Court, Mazgaon, Mumbai. The said order was challenged in Criminal Appeal No. 659 of 2014. The said Appeal was dismissed by judgment and order dated 26th March, 2019 passed by the learned Additional Sessions Judge, City Civil & Sessions Court, Gr. Mumbai.

3. The learned Counsel for the applicant/accused submits that it is a bailable offence. Further, the applicant/accused was on bail throughout the trial and appeal. He further submits that the applicant/accused has already deposited Rs. 9,00,000/- out of the cheque amount of Rs.37,69,270/- in the Sessions Court, which compensates 20% of the cheque amount.

4. The learned APP is present and submits to the orders of the Court.

5. Heard. 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, 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 before the trial Court;
 - iii) The applicant/accused is directed to deposit a sum of Rs.6,00,000/- in the trial Court on or before 30th May, 2019;
 - iv) The applicant/accused shall not jump the bail;
 - v) The applicant/accused shall make himself available at the time of hearing of Revision Application.
6. In the Criminal Revision Application, issue notice to the respondents, returnable on 3rd June, 2019.
7. Criminal Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)