

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

**CRIMINAL APPLICATION NO. 249 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 244 OF 2019**

Mr. Indrajit I. Rastogi ...Applicant

Versus

State of Maharashtra & Anr. ...Respondents

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Mr. Shrinivas Singh for the Applicant.
Mr. Vinod Chate, APP for Respondent No.1-State.

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**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 2 MAY 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, pending the Criminal Revision Application. The applicant/accused was convicted for the offence punishable under section 138 of the Negotiable Instruments Act and sentenced to suffer S.I. for three months and directed to pay

Rs. 1,25,000/- to the complainant towards compensation, in default to suffer S.I. for three months by judgment and order dated 12.09.2011 passed by the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai. The said judgment and order was confirmed in Criminal Appeal No. 92 of 2011 by judgment and order dated 21.02.2019 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi, Mumbai .

3. The learned Counsel for the applicant/accused has submitted that the applicant/accused was on bail throughout the trial and appeal. He has further submitted that it is a bailable offence. He has further submitted that the cheque amount is Rs. 1,00,000/- and out of that, the applicant/accused has deposited Rs. 40,000/-.

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

5. 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 sentence is suspended, pending this 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 before the trial Court;

(iii) The applicant/accused is directed to deposit Rs. 10,000/- in the trial Court within a period of two weeks from today;

(iv) The applicant/accused shall make himself available on all the Court dates;

(v) The applicant/accused shall not indulge into any criminal activity;

6. Criminal Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)