

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

**CRIMINAL APPLICATION NO.256 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.249 OF 2019**

Ramesh Waman Sawant ... Applicant

Vs.

Ishwar Advani & anr. ... Respondents

Mr.Sandesh D. Patil i/b K.B. Bhagat for the Applicant

Mr.Vinod Chate, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: APRIL 26, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The applicant/accused is convicted under section 138 of the Negotiable Instruments Act and sentenced to pay fine of Rs.5 lakhs by order dated 20.4.2012 passed by the learned Metropolitan Magistrate, 66th Court, Andheri, and I/d to suffer SI for three months. The said order of conviction was confirmed in Criminal Appeal No.303 of 2012. However, the amount of fine was doubled and was made Rs.10 lakhs and I/d to suffer SI for 3

months by order dated 27.3.2019 passed by the learned Sessions Judge, Greate Mumbai.

3. Learned Counsel appearing for the applicant submits that the the applicant is challenging both the orders. The applicant/accused is 82 years old. He has already deposited Rs.5 lakhs and is willing to deposit a further amount of Rs.5 lakhs and he prays for suspension of sentence and bail.

4. 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 applicant/accused shall deposit Rs.5 lakhs in the Sessions Court;
- ii) Upon such deposit being made the impugned conviction and sentence shall stand suspended and the applicant 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 make himself available on all the Court dates.

6. Issue notice to the respondent No.1 in the Criminal Revision Application, returnable on 6.6.2019.

7. Criminal Application stands disposed of accordingly.

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

(MRIDULA BHATKAR, J.)