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

**CRIMINAL APPLICATION NO. 389 OF 2019
IN
REVISION APPLICATION NO. 350 OF 2019**

Nitin Nagarji Mehta

..Applicant

Vs

The State of Maharashtra & Anr.

..Respondents

Mrs. Mallika A. Ingale for the Applicant.

Mr. R.M. Pethe, APP for the State/Respondent No.1.

CORAM : A.S.GADKARI, J.

DATE : 21st August 2019.

P.C.:

1] This is an application for suspension of sentence and for releasing the applicant on bail.

2] The applicant is convicted under Section 138 of the Negotiable Instruments Act and was sentenced to suffer simple imprisonment for three months and to pay compensation of Rs.9.00 lakhs, in default of which to further undergo simple imprisonment for six months by the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai in C.C. No.1206/SS-2011 by its Judgment and Order dated 2.5.2013.

Criminal Appeal bearing No.758 of 2018 preferred by the

applicant has been dismissed by the learned Additional Sessions Judge And Special Judge, Greater Mumbai, by its Judgment and Order dated 29th May 2019.

3] Learned counsel for the applicant submitted that, out of the said compensation amount of Rs.9.00 lakhs, the applicant has deposited Rs.1,80,000/- in the Trial Court.

4] As the maximum sentence imposed upon the applicant is three months of simple imprisonment, I am inclined to suspend the substantive sentence imposed upon the applicant and release him on bail, subject to condition that, applicant shall deposit additional amount of Rs.2,70,000/- in the Registry of the Trial Court within a period of three weeks from today so as to make 50% of the total compensation amount.

Hence the following Order:

- (i) During the pendency of the present Revision, the substantive sentence imposed upon the applicant is suspended.
- (ii) During the pendency of the Revision, the applicant be released on bail on his furnishing PR bond in the sum of Rs.10,000/- with one or two local sureties in the like amount.
- (iii) The procedure for the bail be completed before the Trial Court

i.e. Metropolitan Magistrate, 58th Court, Bandra, Mumbai.

(iv) Before his actual release from jail, the applicant shall deposit Rs.2,70,000/- with the Trial Court within the stipulated period. The payment of Rs.2,80,000/- is condition precedent for the actual release of applicant from jail. If applicant fails to deposit the said amount of Rs.2,70,000/- within stipulated period, Order suspending sentence and releasing applicant on bail shall stand revoked without further reference to this Court.

5] Application is allowed in the aforesaid terms.

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

(A.S.GADKARI, J.)