

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

**CRIMINAL APPLICATION NO. 446 OF 2019
WITH
CRIMINAL APPLICATION NO. 447 OF 2019
IN
CRIMINAL REVISION APPLICATION NO. 423 OF 2019**

Raju Mishrimal Shah (Jain) ... **Applicant**
V/s.
Hemlata Ashok Shah & Anr. ... **Respondents**

Mr.Pandia Rajan for Applicant.
Mr.R.M. Pethe, APP for the State.

CORAM : A.S. GADKARI, J.

DATE : 9th October 2019.

P.C. :

1] These are applications for suspension of sentence and releasing the applicant on bail.

2] The applicant is convicted under Section 138 of the Negotiable Instruments Act and is sentenced to suffer simple imprisonment for four months and to pay compensation of Rs.1,10,000/- to the complainant by the learned Metropolitan Magistrate, 43rd Court, Borivali, Mumbai, in CC No.4303213/SS/2009 by its Judgment and Order

dated 20th February 2014.

The Criminal Appeal No. 51 of 2014 preferred by the applicant has been turned down by the learned Additional Sessions Judge, Borivali, Mumbai, by its Judgment and Order dated 8th July 2019.

3] The learned counsel for the applicant submitted that, the applicant has already deposited a sum of Rs.55,000/- out of total amount of compensation in the Appellate Court. He further, on instructions, submitted that, the applicant is ready and willing to deposit the balance amount of compensation of Rs.55,000/- as may be directed by this Court.

4] As the maximum sentence imposed upon the applicant is four months of simple imprisonment and the possibility of hearing the Revision Application on its own merits in near future is remote, I am inclined to suspend the sentence imposed upon the applicant and to release him on bail, subject to condition that the applicant shall deposit the balance amount of Rs.55,000/- in the Registry of the Appellate Court within a period of three weeks from today.

5] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant is hereby suspended.

(ii) During the *pendency* of the Revision Application, the applicant is released on bail on following terms and conditions.

- (a) The applicant be released on bail on his furnishing PR Bond of Rs.10,000/- with one or two local sureties in the like amount.*
- (b) The procedure for bail be complied with before the trial Court.*
- (c) It is made clear that, if the applicant fails to deposit the balance amount of Rs.55,000/- in the Registry of the Appellate Court within a period of three weeks from today, the Order suspending sentence and granting bail to the applicant shall stand revoked without further reference to this Court.*

6] Applications are allowed in the aforesaid terms.

7] All the concerned to act on the basis of the authenticated copy of this order.

[A.S. GADKARI, J.]