

sentenced to suffer rigorous imprisonment for 9 months and to pay compensation of Rs.30,00,000/- along with simple interest at the rate of 9% per annum till actual realization; in default of payment of compensation to further suffer simple imprisonment for one year by the learned Metropolitan Magistrate, 6th Court, Mazgaon, Mumbai, in C.C. No. 3705/SS/2005 by its Judgment and Order dated 29th October 2012.

The Criminal Appeal No. 273 of 2012 preferred by the applicants has been dismissed with cost of Rs.5,000/- by the learned Additional Sessions Judge, Sessions Court, Gr. Mumbai, by its Judgment and Order dated 1st November 2018.

4] The record indicates that, after dismissal of the appeal, the applicant filed the present Revision Application and moved before Vacation Court on 16th November 2018. The Vacation Court by its Order dated 16th November 2018 directed that, till the next date of hearing, no coercive steps be taken against the applicants. On 16th November 2018, the applicants had made a statement before this Court, to deposit a sum of Rs.3,50,000/- within stipulated period. The said interim relief was thereafter extended from time to time. Today, the Revision Application has been admitted by this Court.

5] The learned counsel for the applicants submitted that, the statement made on 16th November 2018 has been complied with by the applicants. The learned counsel for the applicants further submitted that, till today, the applicants have deposited a total sum of Rs.11,40,000/- in the Registry of the Trial Court/Appellate Court and this Court.

6] As per the Chart submitted by the learned counsel for the applicants, in view of Order passed by the Trial Court, as on today, the total sum of Rs.67,80,000/- is due and payable by the applicants to the respondent No.2. Out of the said amount of Rs.67,80,000/-, as noted earlier, the applicants have deposited a total sum of Rs.11,40,000/- in the Trial Court/Appellate Court and this Court.

7] In view thereof, the applicants are further directed to deposit an additional sum of Rs.22,50,000/- in the Registry of this Court within period of two weeks from today.

Upon deposit of the said additional sum of Rs.22,50,000/-, the sentence imposed upon the applicant shall stand suspended during the pendency of the present Revision Application and the applicant No.2 is entitled to be released on bail.

8] Hence, following order :

(i) During the *pendency* of the present Revision Application, the substantive sentence imposed upon the applicant No.2 is hereby suspended.

(ii) During the *pendency* of the Revision Application, the applicant No.2 is released on bail on following terms and conditions.

(a) The applicant No.2 be released on bail on his furnishing PR Bond of Rs.15,000/- 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, the period to deposit the aforesaid amount will not be extended on any count.

(d) It is further made clear that, if the applicant No.2 fails to deposit the said amount of Rs.22,50,000/-, within stipulated period, the Order granting suspension of sentence and releasing the applicant No.2 on bail will stand revoked without further reference to this Court.

9] Application is allowed in the aforesaid terms.

[A.S. GADKARI, J.]