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

CRIMINAL APPLICATION NO.1491 OF 2018

Rajendraprasad Brijlal Yadav

...Applicant

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. M. P. Mishra, for the Applicant.

Mr. P. H. Gaikwad – Patil, A.P.P for the Respondent No.1- State.

CORAM : REVATI MOHITE DERE, J.

DATE : 8th NOVEMBER, 2019

P.C. :

1. By this application, the applicant has impugned the order dated 29th October, 2018, passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi, Goregaon, Mumbai, inasmuch as, it directs the applicant to deposit 50% of the fine amount, within a period of two months, before the learned Magistrate.

2. Learned Counsel for the applicant submits that the direction to deposit 50% of the fine amount is exorbitant and that the financial condition of the applicant is not good. He, however, states that the applicant without prejudice is ready to deposit 30% of the fine amount, within two

weeks from today before the learned Magistrate.

3. Perused the order. The applicant has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, and has been sentenced to suffer simple imprisonment for six months and to pay fine of Rs.6,80,000/-, in default to undergo simple imprisonment for six months. The learned Magistrate further directed to pay Rs.6,60,000/- out of the fine amount to the respondent no.2, as compensation.

4. Being aggrieved by the said Order, convicting and sentencing the applicant as aforesaid, the applicant has filed an appeal before the Sessions Court. The learned Additional Sessions Judge, City Civil and Sessions Court, Borivali Division, Dindoshi, Goregaon, Mumbai, vide order dated 29th October, 2018, suspended the sentence of the applicant, till the final decision in the appeal and directed that the applicant be released on executing Personal Bond of Rs.15,000/- with one surety in the like amount. The applicant was also directed to pay 50% of the fine amount within two months from 29th October, 2018.

5. Having regard to what is stated in the application and having regard to the submissions advanced by the learned counsel for the applicant,

it would be appropriate to direct the applicant to deposit 30% of the fine amount instead of 50% of the fine amount within two weeks from today, failing which the order dated 29th October, 2018, directing the applicant to deposit 50% of the fine amount, shall stand restored.

6. Application is allowed to the extent aforesaid and is accordingly disposed of.

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

REVATI MOHITE DERE, J.