

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION 554 OF 2019

(Navalkishore Kothari Sons and ors..vs.. The Akola Janata commercial Co-Op. Bank Ltd,
Main Branch, Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Akshay Naik, counsel for petitioners.

CORAM: ROHIT B. DEO, J.

DATE: 15th JULY, 2019.

The petitioners are convicted for offence punishable under section 138 of the Negotiable Instruments Act, 1881.

2 It appears that 56 complaints instituted by the respondent bank were decided by separate judgments and each resulted in conviction of the petitioners who are sentenced to suffer rigorous imprisonment of two years and further sentenced to payment of fine and compensation.

3 This matter was heard for some time.

4 The submission was that the condition of deposit of 20% of the fine amount for suspending the sentence is onerous and renders the right of appeal illusory.

5 However, this Court was not inclined to entertain the petition, and Shri Akshay Naik, the learned counsel fairly states that the condition for suspension of sentence shall be fulfilled if the period to deposit the amount is extended by 60 days from the date of this order.

6 Shri Akshay Naik further makes a statement that

similar condition which is imposed while suspending the sentence in the other 55 appeals shall not be challenged and an application shall be preferred in the concerned appeals for extension of time to deposit the amount.

7 The statement is accepted.

8 While the direction to deposit 20% of the fine amount is not disturbed, the said amount be deposited on or before 16.9.2019.

9 The petition is disposed of in the aforestated terms.

JUDGE