

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.1047 OF 2020**

**MOBEEPAY INFOTECH PVT. LTD. AND ORS. )...PETITIONERS**

**V/s.**

**SANJAY ASHWIN CHOKSI AND ANOTHER )...RESPONDENTS**

Mr.Jacob Manoharan, Advocate for the Petitioner.

Ms.Prajakta Shinde i/b. Mr.Sunny Waskar, Advocate for the Respondent No.1.

Mr.A.R.Kapadnis, APP for the Respondent – State.

**CORAM : A. M. BADAR, J.**

**DATE : 5<sup>th</sup> MARCH 2020**

**P.C. :**

1 By this petition, petitioners/original accused are challenging Clause (4) of the order dated 16<sup>th</sup> March 2019 passed in an appeal challenging their conviction for the offence punishable under Section 138 of the Negotiable Instruments Act. By this application, the Appellate Court had directed petitioners to

deposit 50% of the amount of compensation awarded by the learned Metropolitan Magistrate, while convicting them for the offence punishable under Section 138 of the Negotiable Instruments Act, within a period of two months.

2            Heard the learned counsel appearing for petitioners/ original accused. He argued that the amendment to Section 148 of the Negotiable Instruments Act came on the Statute book on 2<sup>nd</sup> August 2018. This order is subsequent to the amendment, and therefore, is illegal.

3            I see no merit in the contention so advanced. The impugned order is perfectly in consonance with provisions of Section 148 of the Negotiable Instruments Act. Same is in consonance of the judgment of the Hon'ble Apex Court in the matter of **Surinder Singh Deswal and Others vs. Virender Gandhi**<sup>1</sup>.

4            The petition, as such, is devoid of merits and therefore dismissed.

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1    (2019) 8 SCALE 445

5            If petitioners move an application for grant of time to deposit the amount so directed, the Appellate Court to consider such request on its own merit.

(A. M. BADAR, J.)

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