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

**CRIMINAL APPLICATION NO.437 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.292 OF 2016**

R. Govindasamy ... Applicant
Vs.
The State of Maharashtra and Anr. ... Respondents

Mr. S. Kanagaraj S. Siddharthan for the Applicant.
Ms. P.P. Shinde, APP for the Respondents.

CORAM : SMT. SADHANA S. JADHAV, J.

DATE : 14th FEBRUARY 2020.

P.C.:

1 The applicant is convicted for the offence punishable under section 138 of the Negotiable Instruments Act and sentenced to suffer Simple Imprisonment for six months and compensation of Rs.24 Lakhs. The conviction and sentence is confirmed by the appellate Court and he has challenged the same. The Vacation Court (Dr. Shalini Phansalkar – Joshi, J.) by order dated 24th May 2016 had suspended the substantive sentence and enlarged the applicant on bail. The learned counsel for the applicant had at that stage, submitted that he would deposit 30% of Rs.24

Lakhs within one month and 25% of the remaining amount within one month thereafter and the entire remaining amount within one month. Subject to this, the Court had passed self-speaking order which reads as follows :-

“5. Applicant to deposit the said amounts in the Trial Court. Subject to the said condition, his substantive sentence of imprisonment is suspended and he is released on furnishing P.R. Bond of Rs.30,000/- with one or two sureties in the like amount.”

2 The learned counsel for the applicant upon instructions submits that the said order has not been complied with and no amount is deposited. In view of this, self-speaking order needs to be executed and the order granting bail is hereby recalled. The learned Metropolitan Magistrate, 64th Court, Esplanade, Mumbai in C.C. No.1431/SS/2005 shall issue conviction warrant against the applicant forthwith. In view of this, Criminal Application No.437 of 2019 seeking one year period to deposit the remaining amount stands rejected. Office to communicate this order to the concerned Court.

(SMT. SADHANA S. JADHAV, J.)