

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL APPLICATION NO.749 OF 2021

PRATAP GOPALDAS TALREJA
VERSUS
JALGAON CONSUMERS PRODUCT VITARAK URBAN COOPERATIVE
CREDIT SOCIETY LIMITED, JALGAON AND ANR

Mr.Govind Kulkarni h/f. Mr.D.R. Deshmukh, Advocate for
the applicant.

Mrs.G.L. Deshpande, APP for the respondent/State.

CORAM : N.R.BORKAR, J.

DATED : 18.11.2021

PC :-

01. This application takes an exception to order dated 09.02.2021 passed by the Additional Sessions Judge, Jalgaon below Exh.19 in Criminal Appeal No.13 of 2020.

02. The complaint case was filed against the applicant for the offence punishable under section 138 of the Negotiable Instruments Act. The applicant was convicted for the said offence. Against the said conviction, the applicant has filed appeal before the Sessions Court. The application for suspension of sentence was moved before the Appellate Court. Said

application was allowed by the Additional Sessions Judge and sentence was suspended and the applicant was released on bail on the condition that the applicant shall deposit 20% amount of compensation within 60 days.

03. Learned Counsel for the applicant submits that due to pandemic the applicant could not arrange the amount which he was required to deposit. It is submitted that thus the application was moved for giving him installments of Rs.25,000/-. It is submitted that the learned Appellate Court rejected the said application and the bail which was granted to the applicant, came to be cancelled. It is submitted that as the applicant was absent on that day, non-bailable warrant was issued against the applicant.

04. Learned Counsel for the applicant submits that on 16.09.2021, the applicant has deposited an amount of Rs.6,40,000/- as per the order of the learned Appellate Court. It is submitted that in these circumstances the

order impugned be set aside.

05. In view of deposit of the amount by the applicant, it would be appropriate to quash the order impugned. Hence, following order is passed :-

O R D E R

- (i) The application is allowed.
- (ii) The order impugned is set aside and the order dated 01.02.2020 passed by the Appellate Court below Exh.4 is restored. However, the applicant shall furnish fresh PR bond with surety.
- (iii) The application is disposed of.

[N . R . BORKAR , J .]