

INTERIM APPLICATION NO.529 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.203 OF 2020

WITH
INTERIM APPLICATION NO.1330 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.203 OF 2020

Mr. Pritesh K. Bohade, Advocate for Applicant.
Mr. Sooraj Hulke, APP for Respondent No.2 (State).

CORAM : A. S. GADKARI, J.
DATE : 28th APRIL, 2021.

P.C.:

1. These are the Applications for suspension of sentence and releasing the Applicant on bail.
2. Heard Mr. Bohade, learned Advocate for the Applicant and Mr. Hulke, learned APP for the Respondent No.2 – State.
3. The Applicant is convicted under Section 138 of the Negotiable Instruments Act, 1881 and is directed to pay fine of

Rs.4,00,000/-, in default payment of fine, to undergo rigorous imprisonment of one year, by the learned Judicial Magistrate, First Class, Court No.11, Nashik in S.C.C. No.1165 of 2014, by its Judgment and Order dated 4th September 2017.

The Criminal Appeal No.175 of 2017, preferred by the Applicant has been partly allowed by the learned Sessions Judge, Nashik by its Judgment and Order dated 17th June 2020. The Appellate Court, extended the period to pay compensation from one month to six months by its impugned Judgment and Order. The Applicant has been directed to undergo in default sentence, if he fails to pay fine amount of Rs.4,00,000/- within a period of six months from the date of passing of the Order by the Appellate Court.

4. Learned counsel for the Applicant submitted that, the Applicant was on bail during the trial so also in Appeal. Applicant has deposited sum of Rs.80,000/- in the Registry of the Trial Court during the pendency of the Appeal.

5. In view thereof, the Applicant is directed to deposit balance amount of fine of Rs.3,20,000/- in the Registry of the Trial Court on or before 8th June 2021, without seeking further extension in that behalf.

6. In view thereof, in default sentence imposed upon the Applicant can be suspended.

Hence the following Order:-

- a) During the pendency of the present Revision Application, the indefault sentence imposed upon the Applicant is suspended.
 - b) If the Applicant fails to deposit the aforesaid amount of Rs.3,20,000/- within the stipulated period, the Applicant will have to surrender before the Trial Court to undergo indefault sentence.
7. The Applications are allowed in the aforesaid terms.

(A. S. GADKARI, J.)