

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

***CRIMINAL INTERIM APPLICATION NO. 1717 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 139 OF 2021***

1. Lakkshyaa Buildwell (India) Pvt. Ltd.
2. Lakshya Baid

...Applicants

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Jigar K. Agarwal i/b Mr. Aashish Dubey for the Applicants

Mr. A. D. Kamkhedkar, A.P.P for the Respondent No.1–State

None for the Respondent No. 2

***CORAM : REVATI MOHITE DERE, J.
(THROUGH VIDEO-CONFERENCING)
TUESDAY, 13th JULY 2021***

P.C. :

1 At the outset, learned counsel for the applicants seeks leave to amend to insert the prayer for bail of applicant No. 2. Leave granted. Amendment be carried out on or before tomorrow i.e. 14th July 2021.

2 Heard learned counsel for the parties.

3 By this application, the applicant No. 2 seeks suspension of his sentence and enlargement on bail, pending the hearing and final disposal of the revision application.

4 Learned counsel for the applicants states that the applicant No.2, vide judgment and order dated 3rd September 2016 passed by the learned Metropolitan Magistrate, 48th Court, Andheri, Mumbai, has been convicted and sentenced as under:

- for the offences punishable under Section 138 of the Negotiable Instrument Act, to suffer imprisonment for 1 year and to pay a fine of Rs.7,00,000/-, in default of payment of fine, to undergo rigorous imprisonment for 6 months.

Out of the said fine amount, Rs. 6,50,000/- was to be paid to the complainant i.e. respondent No. 2 as compensation under Section 357(1) of the Code of Criminal Procedure and Rs. 50,000/- was directed to be confiscated to the State Government.

5 The said judgment and order convicting and sentencing the applicant No. 2 as aforesaid was confirmed in appeal by the learned

Additional Sessions Judge, City Civil & Sessions Court, Borivali Division, Dindoshi, Mumbai, vide judgment and order dated 2nd March 2020 passed in criminal appeal No. 183/2016.

6 Learned counsel for the applicants has tendered an affidavit-cum-undertaking of the applicant No.2. The same is taken on record. The applicant No. 2 in the said affidavit-cum-undertaking has stated that he has deposited Rs. 1,50,000/- towards compensation in the Registry of the Sessions Court, in the appeal. In the said affidavit-cum-undertaking, the applicant No.2 has undertaken to deposit the balance amount of Rs. 5,50,000/- in three installments within three months i.e. Rs. 1,00,000/- within one week i.e. by 20th July 2021; Rs. 2,50,000/- on or before 20th August 2021 and the balance Rs. 2,00,000/- on or before 20th September 2021. The affidavit-cum-undertaking dated 12th July 2021 signed by the applicant No. 2 is accepted as an undertaking to this Court. The said amounts to be deposited by the applicants in the Registry of this Court as stated aforesaid.

7 Considering the aforesaid, the application is allowed and the applicant No. 2's sentence is suspended and he is enlarged on bail, pending

the hearing and final disposal of his revision application, on the following terms and conditions :

ORDER

- (i) The applicant No.2 be enlarged on bail on furnishing P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;
- (ii) The applicant No. 2 to abide by the affidavit-cum-undertaking and deposit the amounts mentioned therein, in the Registry of this Court;
- (iii) The applicant No. 2 shall report to the trial Court, once in four months on the day/date specified by the trial Court, till his revision application is finally disposed of;
- (iv) The applicant No. 2 shall not contact or threaten the complainant, witnesses or any person concerned with the case;
- (v) The applicant No. 2 shall keep the trial Court informed of his current address and mobile contact number and/or change of residence or mobile details, if any, from time to time;

8 The application is disposed of accordingly. Matter to be listed under the caption `for compliance' of first deposit, on 22nd July 2021.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.