

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 919 OF 2021**

Ramesh Madan Patel and anr.Applicants
V/s.
State of Maharashtra and anr.Respondents

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Mr. Jugal J. Kanani, Advocate for the applicants.

Ms. Veera Shinde, APP for State.

Coram : Sandeep K. Shinde, J.

Friday, 29th October, 2021.

P.C. :

1. Heard.
2. Aggrieved by the conviction under Section 138 of the Negotiable Instruments Act and sentence to suffer three months simple imprisonment and fine of Rs.6,00,000/-, convict in S.C.C. No.4045/2016 has filed Criminal Appeal No.17/2021. Additional Sessions Judge, Kalyan vide order dated 20th September, 2021 suspended the sentence and in exercise of powers under Section 148 of the Negotiable

Instruments Act, directed the appellant to deposit 50% of the fine amount within 30 days. Feeling aggrieved by this order, this application is preferred under Section 482 of the Criminal Procedure Code. Section 148(1) empowers the appellate Court to direct the appellant to deposit such sum, which shall be minimum of 20% of the fine or compensation awarded by the trial Court. The Appellate Court, in exercise of this power, directed the appellant to deposit 50% of the fine amount. Therefore, the order passed by the trial Court, is preferably within its jurisdiction, except to say that, the amount shall be deposited within 60 days. To this extent, the impugned order, is modified. Thus, appellant shall deposit 50% of the fine amount within 60 days from 20th September, 2021. In consideration of these facts, I do not see any reason to interfere with the impugned order. The application is partly allowed in the aforesaid terms and disposed off.