

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR**

CRIMINAL REVISION NO.21/2021

Shri Lalit s/o Manoharlal Gupta

..VS..

**M/s.Evershine Traders, thr. its Partner Shri Rajan s/o Premkumar Minocha and
anr**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders

Court's or Judge's Order

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Shri R.H.Agrawal, Counsel for the applicant.
Shri Masood Shareef, Counsel for non-applicants.

CORAM : V.M.DESHPANDE J.

DATED : MARCH 08, 2021.

1. Heard learned counsel Shri R.H.Agrawal for the applicant and learned counsel Shri Masood Shareef for non-applicants.

2. By this revision, the applicant who is accused in SCC No.322138/2015 is praying for stay of order dated 10.1.2020 passed by learned 2nd Additional Sessions Judge, Nagpur in Criminal Appeal No.262/2019 whereby learned 2nd Additional Sessions Judge, Nagpur though suspended substantive jail sentence imposed upon the applicant, he directed that the said shall be subject to deposit of compensation amount to the extent of Rs.5.00 lacs within one month from the date of the order.

3. The applicant was convicted by learned Chief Judicial Magistrate, Nagpur for offence punishable under Section 138 of the Negotiable Instruments Act. By the

judgment and order of conviction, the applicant was directed to suffer simple imprisonment for 3 months and the applicant along with co-accused were directed jointly and severally to pay Rs.25.00 lacs towards compensation.

4. The applicant being aggrieved by the said, approached to the Lower Appellate Court by filing Criminal Appeal No.262/2019. Learned Judge of the Lower Appellate Court admitted the appeal and passed order below Exhibit 4 which is application for suspension of substantive jail sentence. The applicant was released on bail on he executing a P.R.Bond of Rs.15,000/- with surety of the like amount or on furnishing cash surety of Rs.10,000/-/. When the Court exercised power to release the applicant on bail on condition, it is obligatory on the applicant to follow such conditions since he is enjoying freedom.

5. No case is made out. The criminal revision is rejected.

JUDGE

!! BRW !!

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