

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 934 OF 2021

Baliraja Sugar Factory Ltd., Kanadkhed

..PETITIONER

VERSUS

Saheb Maheboob Shaikh

..RESPONDENT

....
Mr. S.V. Ghatge, Advocate for petitioner
Mr. P.N. Kalani, Advocate for respondent
....

**CORAM : R.G. AVACHAT, J.
DATED : 18th APRIL, 2022**

PER COURT :

1. The petitioner herein is the original complainant in Summary Criminal Case No. 174 of 2017, instituted for offence under Section 138 of the Negotiable Instruments Act. The respondent–accused has been convicted, and therefore, sentenced to suffer simple imprisonment for six months and to pay fine of Rs.5,50,000/-. In default of payment of fine amount, he has been directed to undergo simple imprisonment for six months.

2. Vide order dated 05th April, 2021, the appellate Court has suspended the substantive sentence, but nothing has been observed in compliance of mandate of Section 148 of the Negotiable Instruments Act. In view of this, criminal writ petition stands disposed of with a direction to the

appellate Court to comply with the provisions of Section 148(1) of the Negotiable Instruments Act after giving an opportunity of hearing to both the parties concerned. The order suspending the substantive sentence of imprisonment to stand unaltered.

(R.G. AVACHAT, J.)

SSD