

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

**INTERIM APPLICATION NO. 370 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 65 OF 2022**

Bharat Bhogilal Patel And Anr. ...Applicants

Versus

Naishaja P. Vyas And Ors. ...Respondents

....

Mr. Abhaykumar Apte, Advocate for the Applicants

Mr. S. H. Yadav, APP for the Respondent – State.

**CORAM : PRAKASH D. NAIK, J.
DATE : 17th FEBRUARY, 2022.**

PER COURT:

1. This is an application for suspension of sentence and grant of bail. The applicants are convicted for offence under Section 138 of Negotiable Instrument Act and sentenced to suffer imprisonment of one month. They were directed to pay compensation of Rs.3,20,000/ vide judgment and order dated 23rd December, 2016 passed by the learned Metropolitan Magistrate 43rd Court, Borivali, Mumbai. The appeal preferred by the applicants has been dismissed by the Court of Sessions vide Judgment and order dated 30th December, 2021.

2. Learned Advocate for the applicant submitted that the applicants are convicted in 4 other cases and the applicants have preferred separate Criminal Revision applications challenging the judgment of the trial Court and Appellate Court in respective cases. The applicants were directed to pay the total compensation in all these proceedings in the sum of Rs.14,00,000/-. In the present case, the applicants had deposited the amount of Rs.44,000/- before the Appellate Court. The applicants have also deposited the amount in other cases. The total amount deposited by the applicants in all the cases is to the extent of Rs.2,80,000/-. On instructions it is submitted that the applicants are willing to deposit 70% of the amount of compensation in respect to all the cases including the amount of Rs.2,80,000/- already deposited by them. Thus, the applicants are willing to deposit the amount of Rs.7,00,000/- towards the compensation in all the cases before the Appellate Court.

3. Considering the fact that the applicants are sentenced to suffer imprisonment of one month and the statement as referred herein above, I pass the following order :-

ORDER

- i. Issue notice to respondent No.1 in Criminal Revision Application No.65 of 2022 returnable on 21st March, 2022.
- ii. In the meantime by way of interim relief, the sentence of imprisonment imposed vide Judgment and order dated 23rd December, 2016 passed by the trial Court and the judgment and order dated 30th December, 2021 passed by the Appellate Court is suspended and the applicants are directed to be released on bail on executing P.R. Bond in the sum of Rs.20,000/- each with one or more sureties in the like amount;
- iii. The applicants are permitted to furnish cash bail in the sum of Rs.20,000/- each till further orders.
- iii-a The Surety bond and the cash bail may be executed before the trial Court.
- iv. The applicants shall deposit the amount of compensation as stated above within four weeks before the appellate Court.
- v. Spare copy be supplied in the registry for issuing notice to respondent No.1.

(PRAKASH D. NAIK, J.)