

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.133 OF 2018
WITH
CRIMINAL APPLICATION NO.134 OF 2018
In
CRIMINAL REVISION APPLICATION NO.121 OF 2018

VISHAL
SUBHASH
PAREKAR

M/s. Vardhman Electrods Private Limited and Ors. ...Applicants

vs.

The State of Maharashtra and Others

...Respondents

Mr. Shakti Upadhyay h/f. Mr. Mangesh Patel, for the Applicants.

Mr. Ujjwal Gandhi, for Respondent No. 2.

Mr. H.J. Dedhia, APP for the State.

CORAM : N. J. JAMADAR, J.

DATE : MAY 04, 2022

P.C.:

1. The applicants have preferred this application being aggrieved by the judgment and order dated 30th November, 2017 passed by the learned Additional Sessions Judge, Greater Bombay in Criminal Appeal No. 666 of 2014 whereby the appeal came to be dismissed and judgment of conviction and sentence passed by the learned Metropolitan Magistrate, 72nd Court, Vikhroli on 9th May, 2013 in C.C. No.1150/SS/2009 came to be affirmed.

2. By the said judgment the applicants came to be convicted for the offence punishable under section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for

six months and to pay compensation of Rs. 2,43,565/- with default stipulation.

3. The learned counsel for the applicants submit that the applicants are ready to deposit balance 70% of the amount of compensation ordered to be paid by the learned Magistrate. The applicants were on bail during the pendency of the trial and appeal.

4. The learned counsel for respondent No. 2/ original complainant invites attention of the Court to the order passed by this Court on 20th February, 2020 in Criminal Revision Application No. 121 of 2018 whereby this Court had directed the learned Magistrate to issue conviction warrant against the applicants noting that the amount of compensation has not been deposited.

5. Since the applicants have now shown willingness to deposit the amount of compensation and the applicants were on bail during the pendency of the trial and appeal, it would be expedient in the interest of the justice to suspend the sentence subject to deposit of the amount of compensation in this Court within a period of two weeks.

6. In the meanwhile, the applicant Nos. 2 and 3 be released on

bail on furnishing P.R. Bond in the sum of Rs. 15,000/- each and a surety in the like amount to the satisfaction of the learned Magistrate.

7. If the applicant Nos. 2 and 3 fail to deposit the amount within the aforesaid period, this order would stand vacated without further reference to the Court. In that event, the learned Magistrate shall be at liberty to initiate steps to secure presence of the applicant Nos. 2 and 3 so as to commit them to prison to undergo the sentence.

8. Applications stand disposed of.

9. List on 27th June, 2022 for compliance.

(N. J. JAMADAR, J.)