

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 420 OF 2022

SHRADDHA
KAMLESH
TALEKAR

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SHRADDHA
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1. Ahuja Properties Associates
& Ors.

...Applicants

Vs.

1. Jigar Shah & Anr.

... Respondents

Mr.Prajit S. Manjrekar for applicants.

Ms.Vidya Dangre h/f. Jugal Kanani for respondent No.1.

Mr.S.R. Aagarkar, APP for respondent No.2-State.

CORAM : N. J. JAMADAR, J.

DATE : 21st APRIL, 2022

P.C.:

1. Heard the learned counsel for the applicants, the learned counsel for respondent No.1-original complainant and the learned APP for the State.

2. This application is preferred as the time stipulated by the learned Additional Sessions Judge to deposit the 20% amount of the original cheque amount of Rs.87,00,000/-, by order dated 20th November 2021, as a condition for suspension of sentence, stood expired, and the application preferred by the applicants-appellants for extension of time, also came to be rejected by order dated 28th February 2022.

3. The learned counsel for the applicants submits that the applicants have paid a sum of Rs.8,40,000/- and a demand draft for the balance amount of Rs.9,00,000/- is ready and can be handed over to the respondent No.1, by tomorrow. The learned counsel further submits that in the intervening period, since the order of suspension of sentence stood vacated by the peremptory directions of the learned Judge, the learned Metropolitan Magistrate, 6th Court, Sewree has issued a warrant for arrest of the accused for being committed to prison to undergo the sentence.

4. The learned counsel for the applicants submits that the applicants, in addition to handing over the demand draft of Rs.9,00,000/- by tomorrow, undertakes to make a further payment of Rs.5,00,000/- to the respondent No.1, within a period of four weeks.

5. The learned counsel for respondent No.1 is agreeable to this proposition.

6. Since the learned Additional Sessions Judge has suspended the substantive sentence, subject to payment of 20% of the original cheque amount, part of which has already been paid, and the applicants have shown willingness to pay the balance amount

of Rs.9,00,000/- by tomorrow, and undertaken to pay further amount of Rs.5,00,000/-, within a period of four weeks, it would be expedient in the interest of justice, to extend the time to make the balance payment till tomorrow, and continue the order of suspension of sentence.

7. The order passed by the learned Additional Sessions Judge suspending substantive sentence will continue to operate till the disposal of the appeal, subject to the applicants giving a demand draft of Rs.9,00,000/- to respondent No.1 by tomorrow, and making a further payment of Rs.5,00,000/- to the respondent No.1, within a period of four weeks.

8. In the meanwhile, the warrant issued by the learned Metropolitan Magistrate, 6th Court, Sewree stands stayed.

9. In the event of default, the order dated 20th November 2021 passed by the learned Additional Sessions Judge would become operative.

10. The application stands disposed.

11. All concerned to act on an authenticated copy of this order.

(N. J. JAMADAR, J.)