

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

**INTERIM APPLICATION NO. 1941 OF 2022
WITH
INTERIM APPLICATION NO. 1943 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.272 OF 2022**

Riyaz Abdul Shaikh .. Applicant
Versus
M/s.Kalyani Morarji Warehousing and Anr. .. Respondents

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Mr.Satish Kumbhar a/w. Ms.Swati Dube, Advocate for the Applicant.
Mr.S.R. Agarkar, APP for the Respondent No.2-State.

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CORAM : PRAKASH D. NAIK J.

DATED : JUNE 28, 2022.

P.C. :

These applications are preferred by the applicant for suspension of sentence and grant of bail during the pendency of criminal Revision Application No.272 of 2022.

2 The applicant has been convicted by the Metropolitan Magistrate 6th Court Siwri, Mumbai, *vide* judgment and order dated 1st October, 2016. The applicant is sentenced to suffer simple imprisonment for three months and to pay Rs.1,15,000/-, for conviction under Section 138 of the Negotiable Instruments Act.

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The appeal preferred by the applicant has been dismissed *vide* judgment and order dated 16th March, 2020.

3 Learned advocate for the applicant submits that the applicant has so far deposited an amount of Rs.50,000/-, before the trial Court towards the compensation amount. The applicant is willing to deposit balance amount of Rs.62,709/- before the trial Court within a period of four weeks from today. The statement is accepted.

4 In the light of the aforesaid factual aspects, interim application can be granted.

5 The sentence imposed *vide* judgment and order dated 1st October, 2016, passed by the Metropolitan Magistrate 6th Court Siwri, Mumbai, and confirmed by the Sessions Court by judgment and order dated 16th March, 2020, is set aside and the applicant is directed to be released on bail on executing P.R.Bond in the sum of Rs.20,000/- with one or more sureties in the like amount.

6 Interim Applications are allowed and disposed of accordingly.

(PRAKASH D. NAIK, J.)