

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

CRIMINAL WRIT PETITION NO. 3890 OF 2019

Mohan Rajaram Sawnat ...Petitioner
Versus
The State Of Maharashtra And Anr. ...Respondents

....

Mr. Kuldeep U. Nikam, Advocate for the Petitioner.

Ms. Rati S. Sinhansane, Advocate for the Respondent No.2.

Mr. M.G. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 26th SEPTEMBER, 2022.

PER COURT:

1. The petition was filed with limited prayer challenging the order passed by Sessions Court, Sangli directing the appellant to deposit the amount of Rs.10,00,000/- during the pendency of appeal challenging the Judgment of conviction under Section 138 of the Negotiable Instruments Act. The petitioner was sentenced to suffer imprisonment of six months and directed to pay compensation of Rs. 33,50,000/-. The petitioner had preferred an application before the appellate Court for exemption from depositing the said amount. The petitioner was permitted to pay by installments. He could not deposit the amount and thereafter preferred this petition. Vide order dated 20th August, 2019, this Court had permitted the petitioner to deposit the amount of

Rs.7,50,000/- without prejudice to the contentions of Respondent. The said amount has been deposited before the lower Court and the amount has been withdrawn by the complainant. It is submitted that amount of Rs.7,50,000/- commensurates 20% of the compensation amount. The petitioner is in financial constraints and he is not in a position to deposit amount of Rs.10,00,000/-. The appeal is due for hearing before the Sessions Court.

2. Learned Advocate for Respondent/complainant submit that the conduct of the petitioner is required to be noted. The amount of compensation awarded by trial Court is Rs.33,50,000/-. Pursuant to the order passed by Sessions Court, the petitioner preferred an application before the Sessions Court seeking time to deposit the amount and thereafter, he was directed to pay the amount in installments without complying the said order the petitioner had approached this Court.

3. It is noted that the order dated 20th August, 2019 has been complied by the petitioner by depositing amount of Rs.7,50,000/- and the said amount has been withdrawn by the complainant. Since the appeal is pending before the Sessions Court since 2018 and apparently due for the hearing, I pass the following order.

ORDER

- i. The amount of Rs.7,50,000/- deposited by the petitioner pursuant to order dated 20th August, 2019 passed by this Court may be considered as deposit towards amount of compensation under Section 148 of the Negotiable Instruments Act.
- ii. The order passed by the Sessions Court directing the petitioner to deposit Rs.10,00,000/- is modified by accepting the amount of Rs.7,50,000/- as compensation under Section 148 of Negotiable Instruments Act.
- iii. The order suspending sentence of imposed by trial Court while convicting the applicant shall continue till final disposal of appeal pending before Sessions Court.
- iv. The appellate Court may proceed hearing of the appeal expeditiously in accordance with law.
- v. Petition stands disposed off.

(PRAKASH D. NAIK, J.)