

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

**CRIMINAL APPLICATION NO. 822 OF 2022
WITH
CRIMINAL APPLICATION NO. 823 OF 2022
WITH
CRIMINAL APPLICATION NO. 824 OF 2022**

Ulka Nair ...Applicant
Versus
Ashwin Balwantrao Desai Huf & Anr ...Respondents

Mr. R. S. Lodhi Advocate for Respondent No.1 in all matters.
Mr. M. G. Patil, APP for Respondent/State.

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

PC :

1. Not on board. Taken on board.
2. The common issue involved in these applications is that the applicant had preferred appeal challenging the judgment of conviction for the offence under Section 138 of Negotiable Instruments Act.
3. During the pendency of appeal, the sentence of imprisonment was suspended and the Appellate Court had directed the appellant to deposit 20% amount of compensation in accordance with Section 148 of the Negotiable Instruments Act. Since directions could not be complied, the order of suspension of sentence passed by the Appellant Court stands vacated.

4. Learned advocate for the applicant submitted that he is willing to deposit the amount as directed by the Appellate Court towards compensation. The applicant would deposit the amount of Rs.14,03,600/-within stipulated time .

5. Learned advocate for respondent No.1 submitted that, on account of default on the part of the applicant, the learned Sessions Judge was constrained to vacate the order of suspension of sentence of imprisonment. In the event, the amount is deposited the respondent No.1/complainant may be allowed to withdraw the said amount.

6. In view of submission made by learned advocate for applicant, the applicant is permitted to deposit the amount as per directions of the Sessions Court within a period of one week from today.

7. In the event, the amount is deposited before the Appellant Court, the order dated 02.08.2022 passed by Sessions Court vacating the order of suspension of sentence stands recalled and the suspension of sentence is restored. It would continue till final disposal of the appeal preferred by applicant before the Sessions Court.

8. The complainant is permitted to prefer application for withdrawing the amount deposited by applicant before

Sessions Court.

9. The Sessions Court shall act upon authenticated copy of this order.

10. Application stands disposed of.

(PRAKASH D. NAIK, J.)