

to deposit 25% of the compensation amount awarded by the trial Court, on the premise that there was no satisfactory ground for extension of time.

4. Perused the papers. The petitioner vide Judgment and Order dated 5th December 2019, passed by the learned Metropolitan Magistrate, 14th Court, Girgaon, Mumbai, was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and was directed to suffer simple imprisonment for 3 months and to pay compensation of Rs.1,80,431/-, in default, to suffer simple imprisonment for 1 month. The petitioner challenged the said Judgment and Order of conviction and sentence before the learned Sessions Judge, by way of Criminal Appeal being Criminal Appeal No.9 of 2020. The Appellate Court vide order dated 18th February 2020, passed in Criminal Miscellaneous Application No.15 of 2020, in the aforesaid Criminal Appeal, allowed the said Miscellaneous Application seeking bail and suspension of the petitioner's sentence till disposal of the said Criminal Appeal, on the condition that the petitioner deposit 25% of the compensation amount as awarded by the trial Court, within 60 days. The said amount was directed to be deposited before the trial Court.

5. Learned Counsel for the petitioner submits that the petitioner could not deposit the said amount, within the said period of 60 days due to the lock-down and financial constraints. He also submits that the petitioner's advocate expired due to Covid-19 in July 2020 and as such the petitioner had to appoint a new lawyer. It appears that pursuant thereto the petitioner filed an application (Exhibit – 5) and sought extension of time to comply with the order dated 18th February 2020. The learned Judge rejected the said application on the premise that no satisfactory ground was made out for extension of time.

6. Since, the petitioner is ready to deposit the said compensation amount as directed by the Appellate Court vide order dated 18th February 2020, within two weeks from today, the petition is allowed and the impugned order dated 8th November 2021, passed by the learned Additional Sessions Judge, below Exhibit – 5, in Criminal Appeal No.9 of 2020, is quashed and set aside. Time is accordingly extended by a period of two weeks to enable the petitioner to deposit the said 25% of the compensation awarded by the trial Court and as directed the Appellate Court. The said compensation to be deposited before the trial Court.

7. Petition is allowed and disposed of on the aforesaid terms.
8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.