

GRM

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

CRIMINAL APPLICATION NO. 115 OF 2023

WITH

CRIMINAL APPLICATION NO. 106 OF 2023

Rakesh Vinayak Prasade ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Ashish Dubey, Adv. for the Applicant.

Mr. R. M. Pethe, APP for the State/Respondent.

Mr. Jatin P. Shah a/w Snehankita Munja, Shraddha Kamble & Preeti S. G., Adv. for Respondent no. 2.

CORAM : R. G. AVACHAT, J.

DATED : FEBRUARY 7, 2023

P.C. :

Heard.

2. The applicant herein has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and therefore he is sentenced to suffer simple imprisonment for a period of six months and directed to pay an amount of Rs. 26,00,000/- to the complainant towards compensation within 30 days from the date of order and in default, he shall suffer further simple imprisonment for a period of two months. He has preferred appeal against the conviction. The Appellate Court has suspended the substantive sentence of imprisonment on the condition of applicant depositing 20% of the amount of compensation within the time-frame. Since the said order has not been complied with,

the Trial Court as well as the Appellate Court have issued non-bailable warrants against the applicant herein.

3. Learned Advocate for the applicant submits that the amount directed to be deposited, in terms of the order passed in appeal, would be deposited shortly. He makes a statement that Rs. 2,00,000/- would be deposited on or before 10/02/2023 and the balance amount within next 3 weeks from the date of this order. The statement made by learned Advocate on behalf of the applicant is taken as an undertaking to this Court.

4. In view of this, the non-bailable warrants issued against the applicant to stand stayed till next four weeks. The applicant shall furnish his permanent place of abode and contact number to the Appellate Court.

5. In view of the same, both the applications stand disposed of.

(R. G. AVACHAT, J.)