

GRM

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

**CRIMINAL REVISION APPLICATION (STAMP) NO. 22025 OF 2022
WITH
CRIMINAL INTERIM APPLICATION NO. 4666 OF 2022
WITH
CRIMINAL INTERIM APPLICATION NO. 4665 OF 2022**

M/s. Anand Metal Roofing & Anr. ... Applicants

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Sunil Rohile a/w Dr. Prakash K. Deshmukh, Adv. for the Applicants.

Mr. Arfan Sait, APP for the State/Respondent.

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 19, 2023

P.C. :

Heard.

2. Issue notice in delay condonation application, returnable after four weeks.

3. Applicant no. 2 was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 and sentenced to suffer simple imprisonment for six months and directed to pay double the amount of cheques i.e. Rs. 2,31,14,014/-, to the complainant towards compensation and in default of payment of compensation, the applicant shall suffer simple imprisonment for further three months. The Appellate Court has confirmed the order of conviction and the sentence as

well. The applicant is therefore before this Court.

4. The applicant has been arrested on 13/01/2023. It is informed that the applicant has deposited an amount of Rs. 24,00,000/- in learned Trial Court. The amount of compensation directed to be paid is double the amount of cheque. The applicant is ready to deposit a sum of Rs. 40,00,000/- within a period of four weeks.

5. In view of the same, the execution of substantive sentence of imprisonment to stand suspended, pending delay condonation application, on the condition of depositing a sum of Rs. 40,00,000/- by the applicant in learned Trial Court within a period of next four weeks. In case of failure to deposit the said amount within a time-frame, the order granting suspension of execution of substantive sentence of imprisonment, may be recalled.

6. Stand Over to **16th February, 2023.**

(R. G. AVACHAT, J.)