

GRM

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

CRIMINAL INTERIM APPLICATION NO. 4688 OF 2022

IN

CRIMINAL REVISION APPLICATION NO. 549 OF 2022

M/s. Ramgopal and Co. & Ors. ... Applicants

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Ashok Bhatra a/w Mr. Dharmesh Joshi i/b T. D. Joshi and Associates, Adv. for the Applicants.

Ms. Anamika Malhotra, APP for the State/Respondent.

CORAM : R. G. AVACHAT, J.

DATED : JANUARY 6, 2023

P.C. :

Issue notice before admission, returnable after four weeks.

2. The applicant no. 1 is a partnership firm and applicant nos. 2 & 3 are the partners of said firm, who were convicted by learned Trial Court for the offence punishable under Section 138 read with 141 of the Negotiable Instruments Act, 1881 and sentenced to suffer simple imprisonment for three months each and to pay, jointly and severally, the compensation of Rs. 6,00,000/- to the complainant. The amount is directed to be deposited within 60 days from the date of the order. In default of payment of compensation, the applicants shall suffer simple imprisonment for further period of three months. The Appellate Court has confirmed the order of conviction and the sentence as well. The applicants have therefore moved the present application for

suspension of sentence and to release them on bail.

3. Learned Advocate for applicants would submit that learned Magistrate has not considered the affidavit of respondent/original complainant in proper perspective, because the documents were not proved, still those were marked as “Exhibit”. It is admitted by the complainant that there were no documents in support of delivery challan and lorry receipt. He further submits that a cheque was issued for a sum of Rs. 5,00,000/- and the compensation amount, which is to be paid to the complainant, is of Rs. 6,00,000/-. Out of said total amount of Rs. 6,00,000/-, 50% of the said amount was directed to be deposited within two weeks time. Rs. 1,20,000/- have already been deposited in the Sessions Court. The applicants are ready to deposit a sum of Rs. 1,80,000/- jointly and severally within a period of four weeks.

4. In view of the submissions made by learned Advocate for the applicants, pending the present revision, applicant no. 2 **Parmeshwar Makhanlal Chawcharia** and applicant no. 3 **Gaurav Parmeshwar Chawcharia** be released on their executing PR Bond in the sum of Rs. 15,000/- (Rupees Fifteen Thousand Only) each and Surety Bonds in the like amount. The amount of Rs. 1,80,000/- shall be deposited in learned Trial Court. Failure to deposit the same within a time-frame, the order granting suspension to the execution of substantive sentence and releasing the applicants on bail, to stand vacated without reference to this Court.

5. Criminal Interim Application No. 4688/2022 stands disposed

of.

6. Stand Over to **3rd February, 2023.**

7. Private service is permitted.

(R. G. AVACHAT, J.)