



S.

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION NO.19 OF 2022

IN

CRIMINAL REVISION APPLICATION NO.9 OF 2022

Soheb Khan

... Applicant

*Versus*State of Goa Thr. Public Prosecutor
And Anr.

... Respondents

Mr Vibhav R. Amonkar, Advocate *for the Applicant.*Mr Pravin N. Faldessai, Additional Public Prosecutor *for Respondent No.1.*Mr James Lopes, Advocate *with Ms Gauri Borkar, Advocate for Respondent No.2.***CORAM: BHARAT P. DESHPANDE, J.****DATE: 9th September, 2024.****P.C.**

1. Heard Mr Amonkar, learned Counsel for the applicant and Mr Lopes, learned Counsel for respondent No.2.
2. Though, vide order dated 17.02.2022, ad-interim stay to the sentence imposed by the Magistrate was granted, it is clear that both the Courts below concurrently found that the applicant is guilty for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.
3. Admittedly, the applicant was not taken into custody for serving the sentence.

4. Proper course of suspension of sentence is to direct the applicant to furnish bail bond as well as to deposit at least 20% of the cheque amount.
5. Accordingly, the application for suspension of sentence can be disposed of by modifying the order dated 17.02.2022 as under:-

ORDER

Substantive sentence awarded by the Courts below is hereby suspended till the disposal of the revision on furnishing personal bond of ₹10,000/- with one surety in the like amount to the satisfaction of the learned Magistrate and on depositing the amount of 20% of the cheque amount with the registry of this Court within four weeks from today.

6. Criminal Miscellaneous Application stands of.

BHARAT P. DESHPANDE, J.