

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

**INTERIM APPLICATION NO. 19 OF 2024
IN
CRIMINAL REVISION APPLICATION NO. 1 OF 2024**

Sameer Krushnat Dhumal

...Applicant

vs.

Vishal Yarn Agencies
Through its Partner :
Rajiv N. Shah and Anr.

...Respondents

Mr.Lokesh Zade a/w Mr.Vivek Rane i/b. Mr.Paras Yadav -
Advocate for Applicant.
Mr.H.J.Dedhia - APP for Respondent No.2 - State.

CORAM : S. M. MODAK, J.

DATE : 3rd JANUARY 2024

P. C. :-

1. Heard learned Advocate for the Applicant-Accused.
2. The Applicant is convicted by the Court of JMFC - Ichalkaranji on 30th September, 2022 for committing an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ["NI Act"]. There is sentence of fine of Rs.6,30,597/- (Rupees Six Lakhs Thirty Thousand Five Hundred Ninety Seven Only) and default sentence. Amount of fine is not deposited.
3. The Applicant preferred an Appeal but it was dismissed for non prosecution on 21st August, 2023. There is a prayer to

remand this matter back to the Appellate Court as the Appeal is not decided on merits. Non communication in between the Appellant and his Counsel is cited as one of the reason for non prosecution.

4. Let notice be issued to Respondent No.1 returnable on **13th February, 2024** in Interim Application and Revision Application. Private notice, in addition, is allowed. Affidavit of service be filed. Learned APP waives notice for Respondent No.2 - State.

5. By way of Interim Application, Applicant is seeking for suspension of sentence. The Applicant is ready to deposit 20% of the amount of fine. In Section 148 of NI Act, there is no reference of Revision, there is only reference of an Appeal. Still the Court can apply the principle laid down therein. It also talks about minimum deposit of 20%.

6. In view of that, following order :-

O R D E R

- (i) Let the sentence of fine of Rs.6,30,597/- (Rupees Six Lakhs Thirty Thousand Five Hundred Ninety Seven Only) be suspended till next date, subject to deposit of 20% of that amount within a period of two weeks from today.
- (ii) Amount be deposited with the Court of JMFC - Ichalkaranji.

- (iii) Once the Complainant will appear, further directions will be given.

[S. M. MODAK, J.]