

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2196 OF 2024
WITH
CRIMINAL REVISION APPLICATION NO. 228 OF 2024

Adhik Anandrao Jadhav

...Applicant

vs.

Minakshi Sachin Bendre and Anr.

...Respondents

Mr.Kalpesh U. Patil:-	Advocate for Applicant.
Mr.Ashok S. Gawai:-	APP for Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATE : 12th JUNE 2024

P. C. :-

1. Heard learned Advocate Shri.Patil for the Applicant – convicted Accused. He is convicted by the trial Magistrate for the offence under Section 138 of the Negotiable Instruments Act, 1881 (“NI Act”). The sentence is as follows:-

- (a) Two (2) months simple imprisonment,
- (b) Compensation of Rs.1,20,000/- (Rupees One Lakh Twenty Thousand Only).

This amount is already deposited before the Sessions Court, that is recorded in Para No.24 of the judgment of the Sessions Court. (Page No.95). The Appeal against the conviction is dismissed on 10th May 2024. The conviction and sentence, both are maintained.

2. The Accused is an owner of the land / vendor. There was an agreement for sale of land by which the Complainant has agreed to purchase the land. For some reason, it was cancelled and the cheque was issued for Rs.1,00,000/- (Rupees One Lakh Only) by the Accused. It got dishonoured.

3. Learned Advocate is having instructions to settle the matter even by paying more amount. The Complainant needs to be heard.

4. Issue notice before admission returnable on **10th July 2024**. Private notice, in addition, is allowed. Service affidavit be filed.

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5. There is concurrent finding of fact. The amount of compensation of Rs.1,20,000/- is already deposited. The Applicant intends to settle the matter. Hence, order:-

ORDER

(i) The sentence for the offence under Section 138 of the NI

Act is suspended on furnishing personal bond and surety bond of Rs.15,000/- (Rupees Fifteen Thousand Only).

- (ii) Bail be furnished before the trial Magistrate within two (2) weeks.

6. The Complainant is at liberty to ask for withdrawal of the amount.

7. In view of that, Interim Application is disposed of.

[S. M. MODAK, J.]