

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CR. REVISION APPLICATION NO. 234 OF 2024

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CR. REVISION APPLICATION NO. 238 OF 2024

Laxmi Power Cable Pvt. Ltd.
Liquidation Controlled By
Official Liquidator

...Applicant

vs.

Zenith Wires Industries

...Respondent

Mr. D. B. Patil a/w. Mr. Dheeraj Dubey :-	Advocate for Applicant.
Ms. S. E. Phad :-	APP for State.

CORAM : S. M. MODAK, J.

DATE : 25th JUNE 2024

P.C. :-

1. Heard learned Advocate for Applicants in these revisions. The legality of the order passed in five Appeals by the Appellate Court on 20th February 2024 is challenged. The Applicants are convicted by the Metropolitan Magistrate for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The total amount of compensation comes to ₹1,51,50,489/- (Rupees One Crore Fifty One Lakh Fifty Thousand Four Hundred and Eighty Nine Only).

2. The Appellate Court suspended sentence by directing Applicants to deposit 20% amount. It comes to ₹30,30,097/- (Rupees Thirty Lakh Thirty Thousand Ninety Seven Only). Out of that amount the Applicants have deposited ₹15,00,000/- (Rupees Fifteen Lakh Only) and remaining amount is yet to be deposited. For non-payment of the entire 20% amount, the Appellate Court has revoked suspension of the sentence.

3. During arguments learned Advocate for Applicants took two grounds :-

- (i) The company went in liquidation;
- (ii) The Applicants have already returned the amount and evidence

was adduced before the trial Court. However, it was not considered.

4. It is true that the Appellate Court in paragraph No.18 of the impugned order has discussed about these grounds and refused it for failure of the Applicants to prove it before the trial Court.

5. The contention of the Applicants is that they have examined bank witness. The copy of trial Court judgment and copy of depositions are not tendered along with Revision.

6. Stand over to **28th June 2024**. To be listed '**High on Board**'.

7. The table containing details of matters, amount of compensation is taken on record and marked as Annexure-X.

[S. M. MODAK, J.]

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