

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.501 OF 2024
WITH
INTERIM APPLICATION (ST) NO.19057 OF 2024
WITH
INTERIM APPLICATION (ST) NO.19059 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.501 OF 2024

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Sushma Suresh Parab

...Applicant

v/s.

State of Maharashtra and Anr.

...Respondents

Mr.Sunil Kumar Tiwari:-	Advocate for Applicant.
Mr.H.J.Dedhia:-	APP for Respondent No.1 -State.
Mr.Jayesh Bhavsar:-	Respondent No.2 in person.

CORAM : S. M. MODAK, J.

DATE : 3rd OCTOBER 2024

P. C. :-

CRIMINAL REVISION APPLICATION NO.501 OF 2024

1. Heard learned Advocate for the Applicant – convicted Accused.
The Respondent No.2 is present. He has submitted that he is suffering from eye problem.
2. There is a conviction by the Court of Metropolitan Magistrate on

2nd May 2018. The offence is under Section 138 of the Negotiable Instruments Act, 1881 (“**NI Act**”). The sentence is simple imprisonment for six (6) months and fine of Rs.5,00,000/- (Rupees Five Lakh). Out of that, Rs.4,70,000/- (Rupees Four Lakh Seventy Thousand) is to be paid to the Complainant.

3. The amount of Rs.1,00,000/- (Rupees One Lakh) is deposited during pendency of the Appeal.

4. Issue notice to Respondent No.2-Complainant before Admission returnable on 28th November 2024.

INTERIM APPLICATION (ST) NO.19057 OF 2024

5. Heard.

6. Sentence is suspended as follows:-

(i) The substantive sentence of imprisonment passed by the Metropolitan Magistrate, 43rd Court, Borivali, Mumbai dated 2nd May 2018 in C.C. No.26/SS/2006 and confirmed by the Court of Additional Sessions Judge – Borivali Division, Dindoshi vide order dated 6th July 2024 in Criminal Appeal No.174 of 2018 is suspended during pendency of the Revision Application subject to following conditions:-

(a) On furnishing personal bond and surety bond of Rs.15,000/- (Rupees Fifteen Thousand) before the trial Magistrate.

- (b) To deposit an amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand) before the trial Magistrate within two (2) weeks.
- (c) The Respondent No.2 is permitted to withdraw the amount along with interest, if any, subject to furnishing an undertaking that the amount will be returned along with interest, if directed by this Court.

7. Parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]