

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

**CRIMINAL REVISION APPLICATION NO.343 OF
2024
WITH
INTERIM APPLICATION NO.1617 OF 2024
WITH
CRIMINAL REVISION APPLICATION NO.187 OF
2024
WITH
INTERIM APPLICATION NO.1613 OF 2024
WITH
INTERIM APPLICATION NO.1616 OF 2024
(NOT ON BOARD, TAKEN ON BOARD)
IN
CRIMINAL REVISION APPLICATION (ST) NO.2248
OF 2024**

Sanjeev Sinha,
Proprietor Ganesh Steel ...Applicant

vs.

M/s. Standard Galva Steels
Pvt. Ltd., and Anr. ...Respondents

Mr.R.Sathyanarayanan i/b. Mr.Neeraj Yadav:-	Advocate for Applicant.
Mr.A.D.Kamkhedkar:-	APP for Respondent No.2- State.

CORAM : S. M. MODAK, J.
DATE : 31th JULY 2024

P. C. :-

1. Heard learned Advocate Shri.Sathyanarayanan for the Applicant – convicted Accused.

2. There is a conviction for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881¹ by the trial Magistrate in two cases² by the Court of Metropolitan Magistrate, 23rd Court, Esplanade, Mumbai. Their Criminal Appeal No.84 of 2021 came to be dismissed. The conviction is:-

- (a) Simple imprisonment for six (6) months and
- (b) compensation of Rs.17,92,594/- (Rupees Seventeen Lakh Ninety Two Thousand Five Hundred Ninety Four Only) along with 9% interest and there is a default sentence of three (3) months.

3. This judgment is confirmed by the Appellate Court on 28th March 2023 and he was taken into custody. Since then, he is in jail. Similar is the substantive sentence in another case. Only difference is, compensation amount is Rs.26,39,799/- (Rupees Twenty Six Lakh Thirty Nine Thousand Seven Hundred Ninety

¹ NI Act

² C.C.No.1617/SS/2019 (Old C.C.No.1220/SS/2016) and C.C.No.1618/SS/2019 (Old C.C.No.1222/SS/2016)

Nine Only). There is a default sentence for three (3) months.

4. There is a delay for filing Revision Application. Notice was issued to the Respondent No.1. Court notice is awaited. However, private notice sent by RPAD returned back with the remark that “*no such person is there on the address*”. Earlier, the Applicant filed Criminal Application for direction to run the sentences concurrently. They were withdrawn on 2nd November 2023. A liberty was granted to file Criminal Revision Application. For this reason and considering the fact that the Applicant is behind bar, Revision Application could not be filed in time. Hence, delay is condoned in both the Applications.

5. Accordingly, the Interim Application No.1617 of 2024 and 1616 of 2024 are disposed of.

INTERIM APPLICATION NO.1613 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.187 OF
2024

6. The Respondent No.1 – Complainant when offered

with the service by RPAD, it was not accepted for the reason, no such person is residing there. The Applicant is at liberty to file an Affidavit to that effect.

7. The substantive sentence in both the Applications is six (6) months and even if, both the sentences in both the cases are clubbed together, it amounts to eighteen (18) months. An urgency is sought for hearing this matter. This is genuine.

8. Both these matters need to be heard on priority basis. I think, an Advocate can be appointed through Maharashtra State Legal Services Authority, so also, a report can be called from the jailor. Hence, order:-

ORDER

- (i) Call a report from the Superintendent, Taloja Jail in respect of the period undergone by the Applicant - Sanjeev Sinha in both cases viz., C. C. No. 1617 / SS / 2019 (Old C. C. No. 1220 / SS / 2016) and C. C. No. 1618 / SS / 2019 (Old C. C. No. 1222 / SS / 2016).
- (ii) Learned Secretary, Maharashtra State Legal Services Authority to appoint an Advocate to represent the cause of Respondent No.1 -

Complainant.

9. Stand over to **9th August 2024**. To be listed “**High on Board**”.

[S.M.MODAK, J.]