

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

**INTERIM APPLICATION NO. 2311 OF 2024
WITH
INTERIM APPLICATION NO. 2312 OF 2024
IN
REVISION APPLICATION (ST) NO. 12143 OF 2024**

Asif Raza Khan ...Applicant

vs.

Nitin T. Chheda and Anr. ...Respondents

Adv. Aditya Rai a/w Adv. V. Tiwari i/by Ramchandra Rane	Advocate for the Applicant
Ms. S. E. Phad	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 19th JUNE 2024

P. C. :-

1. Praecipe is moved for urgent circulation in view of the issuance of the conviction warrant by the trial Magistrate. The Applicant is convicted for the offence under Section 138 of the Negotiable Instruments Act. The conviction and sentence are maintained by the Appellate Court. There is simple imprisonment for two months and

compensation of Rs. 1 Lakh. The Applicant has deposited Rs. 20,000/- before the trial Court. Copy of the receipt is annexed.

2. The legality of the conviction is challenged. There is a delay. A copy of the demand draft for Rs. 80,000/- issued in the name of the Complainant is annexed. This demand draft can be tendered before the trial Magistrate. Hence the Order :-

ORDER

- (i) The Applicant to deposit the demand draft before the trial Court within a period of seven days from today.
 - (ii) The Applicant to apply for stay of the conviction warrant before the trial Magistrate at the earliest.
 - (iii) The Trial Court to decide the prayer as per the merits.
 - (iv) In the meantime, the substantive sentence of the imprisonment is suspended on furnishing personal bond and surety bond of Rs. 15,000/-. It is to be furnished within two weeks from today.
3. Issue notice to the Respondent No. 1 returnable on 31st July 2024. Learned APP waives notice.
4. Additionally, private notice is allowed and service affidavit be

filed.

5. Matter be kept on **31st July 2024**.

[S. M. MODAK, J.]