

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL REVISION APPLICATION NO. 46 OF 2024

Suresh H. Belani

Vs.

Yunusbhai S/o. Azizbhai Opai and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri N. K. Alwani, Advocate for applicant.

CORAM :- M. W. CHANDWANI, J.

DATED :- 07.03.2024

Heard.

2. The order dated 15.02.2024, below Exh.7, vacating the order of suspension of substantive sentence imposed in SCC No. 13851/2015 as well as the order dated 15.02.2024, below Exh.8, rejecting permission to deposit an amount of Rs.1,05,000/- passed by the learned Additional Sessions Judge, Nagpur (ASJ) in Criminal Appeal No. 222/2023 are under challenge in this revision application.

3. The contention is that since the applicant failed to deposit the amount within the time prescribed in the order of suspension of sentence, the learned ASJ vacated the order of suspension of sentence. It is contended that by application (Exh.8), the applicant applied for permission to deposit Rs.1,05,000/-, as directed by the learned ASJ in order dated 01.09.2023,

but, the said application also came to be rejected. It is also contended that the applicant has now moved an application before the learned ASJ for depositing the entire amount of compensation and for compounding the offence punishable under Section 138 of the Negotiable Instrument Act but, the non-applicants are avoiding to file reply to the application and the said application is now adjourned to 27.03.2024.

4. It is contended that in the meanwhile, the non-applicants have approached the Trial Court for execution of the substantive sentence.

5. Issue notice to the non-applicants, returnable within two weeks.

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6. Considering the submissions made on behalf of the applicant particularly, when the application for depositing the entire compensation amount and for compounding of the offence is pending before the Appellate Court, the effect and operation of the impugned order dated 15.02.2024, below Exh.7, is stayed till the returnable date.

(M. W. CHANDWANI, J.)