



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 593 OF 2025

RAKESH ALIAS GANESH DEORAM KHALANE
VERSUS
UMESH MADHUKAR CHAUDHARI AND ANOTHER

...
Advocate for Petitioner : Mr. Vikrant P. Raje
APP for Respondent No.2 : Ms. Chaitali Choudhary-Kutti
...

CORAM : KISHORE C. SANT, J.

DATE : 25-06-2025

PER COURT:-

1. Heard the learned counsel for the petitioner.
2. The petitioner, by way of this petition, has challenged the order passed by the learned Additional Sessions Judge, Dhule, suspending the substantive sentence imposed upon the petitioner on certain conditions. The petitioner is aggrieved by the condition, thereby the learned Appellate Court has directed to the original accused/present petitioner to deposit 20% of the amount of fine. The said amount comes to Rs.4,80,000/-. The petitioner is held guilty of the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 for dishonouring the cheque of Rs.12,00,000/-. The learned trial Court had sentenced the accused to undergo simple imprisonment till rising of Court and pay fine of Rs.24,00,000/-. In default of fine, he shall suffer simple imprisonment for one month.

3. The learned counsel for the petitioner submits that the petitioner is not in a position to pay even 20% amount of the fine. The condition, therefore, may be relaxed. The petitioner is ready to deposit amount of Rs.1,50,000/-.

4. On hearing the petitioner, it is seen that the trial Court had sentenced only to undergo simple imprisonment till rising of the court. Present sentence is the sentence in default. This Court finds that the trial Court and the Appellate Court have taken a lenient view. In a normal course, suspension would have been directed on depositing 50% of the fine amount. This Court finds that no case is made out calling for an interference at the hands of this Court.

5. The learned counsel for the petitioner relies upon a judgment in the case of *Jamboo Bhandari vs. Madhya Pradesh State Industrial Development Corporation Limited and others*, (2023) 10 SCC 446, wherein the Honourable Apex Court has held that condition of depositing minimum 20% of the amount is not mandatory and is only discretionary while suspending the sentence. Keeping that view, this Court, however, does not find that a case is made out to apply the ratio of the said judgment to the present case.

6. For the above reasons, the criminal writ petition stands dismissed.

[KISHORE C. SANT]
JUDGE