



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4994 OF 2025**

Gaurav Vinod Kumar Goel and Ors. ... Petitioners
versus
State of Maharashtra and Ors. ... Respondents

Mr. Niranjan Mundargi with Mr. Anukul Seth, Mr. Fauzan Shaikh, for Petitioners.

Mr. P.P.Malshe, APP for State.

Mr. Siddharth Rajkumar Murarka (through VC) with Mr. Ankit Saroj i/by Law Chamber of Siddharth Murarka, for Respondent No.2.

CORAM: N.J.JAMADAR, J.

DATE : 6 OCTOBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 18 August 2025 passed by the learned Additional Sessions Judge, Mazgaon, in Criminal Misc. Application No.673 of 2025 in Criminal appeal No.229 of 2025 whereby the sentence is ordered to be suspended subject to the Petitioners depositing 20% of the compensation amount along with interest accrued thereon @ 9% p.a., till the amount is deposited.
3. The Petitioners are the original accused in CC No.7001638/SS/2015. By a judgment and order dated 21 February 2025, learned Magistrate, Mazgaon, convicted the Petitioners along with other co-accused for an offence punishable under Section 138 read with Section 141 of the Negotiable

Instruments Act, 1881. The Petitioners and co-accused were sentenced to suffer simple imprisonment for six months and also pay a fine of Rs.2,10,00,000/- with default stipulation. Learned Magistrate while directing that the entire amount of fine be paid to the complainant under Section 357(1) of the Code of Criminal Procedure, 1973, ordered the Petitioners and co-accused to pay interest on the said amount @ 9% p.a. from the date of the filing of the complaint till the realization of the amount.

4. In the appeal preferred by the Petitioners, by the impugned order, the learned Sessions Judge ordered the suspension of sentence subject to deposit of 20% of the amount of fine along with interest @ 9% p.a. thereon.

5. Learned Counsel for the Petitioner submitted that the direction to pay interest @ 9% p.a., apparently does not form part of the sentence imposed by the Learned Magistrate. Therefore, the learned Additional Sessions Judge ought not to have directed the Petitioner to pay 20% of the fine of Rs.2,10,00,000/- along with interest. Learned Counsel submitted that the Petitioners are willing to deposit 20% of the fine amount on or before 15 November 2025.

6. Learned Counsel for Respondent No.2 – complainant, would urge that the direction to pay interest @ 9% p.a., also forms part of the sentence imposed by the learned Magistrate.

7. The question as to whether the direction to pay interest @ 9% p.a.,

constitutes a component of fine would be a matter to be adjudicated by the Appellate Court while hearing the appeal. Prima facie, it appears the learned Magistrate imposed the substantive sentence and fine of Rs.2,10,00,000/- with the default stipulation. It is only while making a direction for the payment of the fine amount to the Complainant under Section 357(1) of Code, the learned Magistrate directed that the said amount be paid along with interest @ 9% p.a., from the date of the complaint till realization.

8. In the aforesaid view of the matter, it would be necessary to modify the impugned order to the extent of the quantum of the amount to be deposited by the Petitioners as a condition for the suspension of the sentence.

9. Thus, the Writ Petition stands partly allowed.

10. The impugned order stands modified as under :

The Petitioners shall deposit 20% of the fine amount i.e. Rs.2,10,00,000/-, before the Appellate Court on or before 1 December 2025.

(N.J.JAMADAR, J.)