

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

Cri.Application No.65 of 2025

Samarth Krupa Developers & Anr. Applicants.

Vs.

The State of Maharashtra & Anr. Respondents.

Mr Jatin Karia (Shah) a/w Ms Dipti J Karia a/w Ms
Snehanlata Munj a/w Ms Shraddha Kamble a/w Ms Preeti
SG for the applicants.

Dr Ashwini A Takalkar, APP for respondent No.1/State.

Coram : R.N.Laddha, J.

Date : 21 January 2025.

P.C. :

Heard the learned Counsel for the parties.

2. By a judgment and order dated 12.09.2024, the Court of Judicial Magistrate First Class, 70th Court, Mazgaon, Mumbai, in CC No.7006119/SS/2018, convicted applicant No.1 and 2 for the offences punishable under Sections 138 read with 141 of the Negotiable Instruments Act,1881 ('NI Act'). Applicant No.2 was sentenced to suffer simple imprisonment for six months and pay fine of Rs.3,00,000/-

within two months, with default stipulations. Aggrieved, the applicants filed a criminal appeal bearing No.649 of 2024 before the Additional Sessions Judge, Mumbai, along with a miscellaneous application bearing No.2256 of 2024 for suspension of the sentence. By an order dated 19.11.2024, the learned Additional Sessions Judge, Mumbai, suspended the sentence imposed subject to the payment of 50% of the fine/compensation within 60 days. Dissatisfied, the applicants have approached this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

3. The learned Counsel representing the applicants submits that the requirement to deposit 50% of the amount set by the Additional Sessions Judge is excessive and disproportionate, without any justification. The learned Counsel further submits that the applicants are in a financial difficulty and to show their bonafides, they are ready to deposit 20% instead of 50% of the fine/ compensation amount awarded by the Additional Sessions Judge within three weeks from today with the trial Court.

4. Considering the material on record and the arguments advanced across the Bar, the sentence shall be suspended in the *ad-interim* subject to the applicants depositing 20% of the fine amount before the trial Court within three weeks from the date of uploading of this order.
5. Issue notice to respondent No.2.
6. Stand over to **24 March 2025**.

[R. N. Laddha,J.]