

Mr. R.A.Shaikh with Mr. Anupam Sharma, for Applicant.
Mr. T.R.Yadav i/by Ms. Anjali Purav, for Respondent No.1.
Mr. P.P.Malshe, APP for State.

DATE : 6 OCTOBER 2025

1. Heard the learned Counsel for the parties.
2. The challenge in this application is to an order dated 19 September 2025 passed by the learned Sessions Judge, Greater Mumbai, on an application to set aside the order dated 17 September 2025, whereby the earlier order of suspension of sentence dated 15 March 2024 came to be set aside.
3. The Applicant along with Respondents Nos.2 and 3 have been convicted for an offence punishable under Section 138 read with Section 141 of the Negotiable Instruments Act, 1888. In addition to sentence of imprisonment, the Learned Magistrate has directed the Petitioner and Respondents Nos.2 and 3 to jointly and severally pay compensation of Rs.2,18,00,000/- to the complainant/Respondent No.1 under Section 357(3)

of the Code of Criminal Procedure, 1973.

4. In the appeal preferred by the Applicant, an application for suspension of sentence was filed. By an order dated 15 March 2024, the learned Sessions Judge ordered the suspension of sentence, subject to the Applicant depositing 20% of the compensation amount within a period of two months thereof.

5. The Applicant did not comply with the said condition and filed an application seeking permission to deposit 10% of the cheque amount. That application was rejected by an order dated 17 September 2025. On 19 September 2025, the applicant again preferred the instant application seeking permission to deposit 20% of the cheque amount. By the impugned order, the said application came to be rejected. Resultantly, order of suspension of sentence stood set aside.

6. Mr. Shaikh, learned Counsel for the Applicant, on instructions, submits that the Applicant is willing to deposit 20% of the cheque amount, provided reasonable time is given to the Applicant. The order passed by the learned Sessions Judge is to deposit 20% of the compensation awarded by the learned Magistrate. Thus the submission of Mr. Shaikh cannot be countenanced.

7. Mr. Shaikh, upon instructions, submits that the Applicant is now willing to deposit 20% of the compensation awarded by the learned Magistrate within

a period of four weeks.

8. In view of the aforesaid submission and to advance the cause of substantive justice, by way of indulgence, four weeks time is granted to the applicant to deposit 20% of the compensation amount awarded by the learned Magistrate before the Appellate Court within a period of four weeks.

9. In the meanwhile, the order of suspension of sentence dated 15 March 2024 will continue to operate.

10. It is hereby made clear that, in the event of default in the deposit of 20% of the compensation amount, the order suspending sentence shall stand vacated without further reference to the Court.

11. The Criminal Application stands disposed.

(N.J.JAMADAR, J.)