IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.3331 OF 2026

IN

CRIMINAL APPLICATION NO.1546 OF 2026

Rajendra Sadashiv Chandrachud …Applicant

Versus

Ishwar Alimchandani And Anr. …Respondents

Mr. Mahesh Vaswani a/w Shreya Tiwari, for the Petitioner.
Ms. Vandana Jaisingh, for the Respondent No.1.
Ms. S. M. Yadav, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 15th OCTOBER 2026

PC:-

1. Heard Mr. Vaswani, learned Counsel appearing for the Applicant, Ms. Jaisingh, for the Respondent No.1 and Ms. Yadav, learned APP for the Respondent-State.

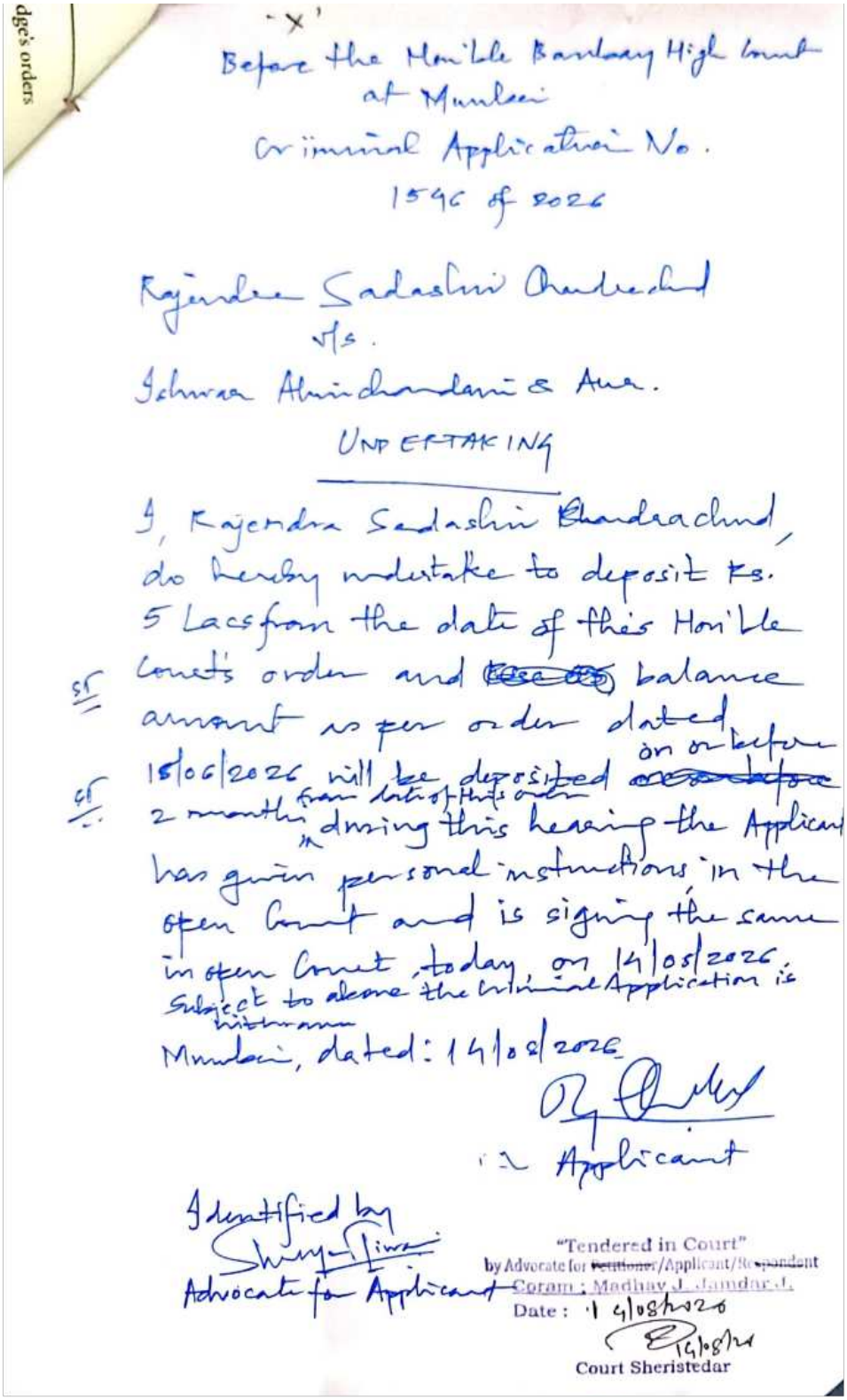
2. By this Interim Application filed in Criminal Application No.1546 of 2026, the Applicant is seeking modification of order dated 14th August 2026 passed by this Court in said Criminal Application No.1546 of 2026 by seeking six months time to deposit the subject amount.

3. It is relevant to note Paragraph No.3 of the said order dated 14th August 2026 passed by this Court, which reads as under :-

> "*3. After arguing the matter for some time, learned Counsel appearing for the Applicant seeks withdrawal of the Criminal Application. However, she request that an additional time be granted to comply with the impugned order dated 18th June, 2026.*"

4. Thus, after arguing the matter for sometime, learned Counsel appearing for the Applicant sought withdrawal of the Criminal Application with a request to grant additional time to comply with the order dated 18th June 2026 which has been passed by learned Sessions Court in M.A. No.1148 of 2026 in Appeal No.502 of 2026. The said order dated 14th August 2026 has been passed by this Court in view of the writing dated 14th August 2026 submitted by the Applicant.

5. The said writing dated 14th August 2026 is as under :-



dge's orders

'X'

Before the Hon'ble Bombay High Court
at Mumbai
Criminal Application No.
1546 of 2026

Rajendra Sadashiv Chandrachud
V/s.
Ishwar Ahuja & Anr.

UNDERTAKING

I, Rajendra Sadashiv Chandrachud, do hereby undertake to deposit Rs. 5 Lacs from the date of this Hon'ble Court's order and balance amount as per order dated 15/06/2026 will be deposited on or before 2 months from date of this order during this hearing the Applicant has given personal instructions in the open Court and is signing the same in open Court today on 14/05/2026. Subject to above the Criminal Application is withdrawn

Mumbai, dated: 14/05/2026

Applicant

Identified by
Advocate for Applicant

"Tendered in Court"
by Advocate for ~~Petitioner~~/Applicant/~~Respondent~~
Coram : Madhav J. Jamdar, J.
Date : 14/05/2026
14/05/26
Court Sheristedar

Scanned with OKEN Scanner

6. As the above writing and order dated 14th August 2026 passed by this Court makes reference to order dated 18th June 2026 passed by learned Sessions Court in Criminal Miscellaneous Application No. 1148 of 2026 filed in Appeal, operative part of the same is reproduced herein below :-

Operative Part of the Order

"*ORDER*

1. Criminal Miscellaneous Application No. 1148 of 2026 is allowed.

2. The substantive sentence passed by the trial court is hereby suspended till the decision of appeal ***subject to condition to deposit the amount of 30% from total compensation amount awarded by the learned trial Court within 60 days in the trial Court. If the condition is not fulfilled, then order of suspension will be cancelled/vacated automatically.***

3. Proceeding is closed.

4. Criminal Miscellaneous Application No. 1148 of 2026 is disposed of accordingly."

(Emphasis added)

7. As by the aforesaid order dated 18th June 2026 substantive sentence imposed by learned J.M.F.C. in Summons Case No.702086/SS/2014 is suspended, the operative part of the said

order dated 18th June 2026 is reproduced herein below :-

"ORDER

1. ***Accused No.1) Kusumavati Infrastructure Private Limited., accused No.2) Mr. Rajendra Sadashiv Chandrachud, Director of Kusumavati Infrastructure Private Limited.,*** *accused. No.3) Antony Silva, Director of Kusumavati Infrastructure Private Limited, accused No.4) Nikhiel James Silva, Director of Kusumavati Infrastructure Private Limited, are vicariously* ***held guilty of committing an offence punishable under section 138 r/w. 141 of the Negotiable Instrument Act, 1881.***

2. ***Accused No.2 to 4 are convicted*** *vide section 255(2) of The Criminal Procedure Code and section 278(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 for the offence punishable under section 138 r/w. 141 of the Negotiable Instrument Act, 1881 and sentenced* ***to undergo simple imprisonment for 1 (One) year and to pay fine of double the amount of the cheque that is Rs.2,02,00,000/- (Rupees Two Crores Two Lakhs only) jointly and severally and in default of payment of fine to suffer further simple imprisonment for 6 (Six) months.***

3. If fine is paid, the same be given to the complainant as compensation under section 357(1) (b) of Code of Criminal Procedure and under section 395(1)(b) of the Bhartiya Nagarik Suraksha Sanhita, 2023.

4. Accused No.2 to surrender his bail bonds.

5. Accused No.3 and 4 abscoriding and their Bail Bonds stands cancelled and forfeited.

6. Issue arrest warrant under section 418(2) of Code of Criminal Procedure and under section 458(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023 against accused No.3 and 4 for the purpose of forwarding them to the jail.

7. The copy of Judgment be supplied to accused free of cost. (Judgment is dictated and pronounced in the open Court)."

8. The total amount of 30% of said amount of Rs.2,02,00,000/- (Rupees Two Crore Two Lakhs only) is Rs.60,60,000/- (Rupees Sixty Lakh Sixty Thousand only) and only an amount of Rs.5,00,000/- (Rupees Five Lakh only) has been paid. The balance amount of Rs. 55,60,000/- (Fifty Five Lakhs Sixty Thousand) is to be paid on or before 23rd October 2026. Learned Counsel appearing for the Applicant seeks additional six months time to deposit the said amount.

9. However, perusal of the record shows that the Respondent-Complainant is a flat purchaser and the present Applicant is a builder. The Respondent-Complainant agreed to purchase a flat at Bandra, Mumbai for total consideration of Rs.3,62,00,4000/- (Rupees Three Crore Sixty Two Lakhs Four Thousand only) and advance payment was made of Rs.1,01,00,000/- (Rupees One

Crore One Lakh). The same was done about two years prior to the issuance of cheque dated 07th February 2014 of Rs.1,01,00,000/- (Rupees One Crore One Lakh) by the present Applicant. The said cheque was given towards refund of the amount paid for purchase of flat as there was no progress in the construction. The said cheque has been dishonoured.

10. Thus, in the above background the learned Judicial Magistrate (First Class), 58th Court, Bandra, Mumbai by judgment and order dated 04th May 2026 convicted the Applicants and directed payment of fine of double the amount of the cheque that is Rs.2,02,00,000/- (Rupees Two Crore Two Lakh only). By the order dated 18th June 2026 the learned Sessions Court suspended the substantive sentence on the condition of deposit of an amount of 30% out of the total compensation amount of Rs.2,02,00,000/- (Rupees Two Crore Two Lakh only) which comes to Rs.60,60,000/- (Rupees Sixty Lakh Sixty Thousand only).

11. The Respondent is a senior citizen of 85 years and has paid Rs.1,01,00,000/- (Rupees One Crore One Lakh only) in or about 2012 and cheque for repayment of said Rs.1,01,00,000/- (Rupees

Two Crore Two Lakh only) was given on 07th February 2014. In these facts and circumstances, this Court while dismissing the Criminal Application No.1546 of 2026 as withdrawn directed that no further extension will be granted. It has been also clarified that if there is any default in depositing the amount the order suspending the substantive sentence shall stand vacated immediately.

12. Accordingly, no case is made out for grant of any relief in this Criminal Interim Application.

13. The Criminal Interim Application is dismissed with costs of Rs.25,000/- to be paid by the Applicant to the Respondent No.1 within a period of 2 weeks from today.

14. At this stage, Mr. Vaswani, learned Counsel appearing for the Applicant, seeks stay of this order. However, it is very clear that the prayer sought in this Application is extension of period of six months for deposit of the amount, which has been rejected. Thus, this order cannot be stayed.

15. At this stage, Mr. Vaswani, learned counsel appearing for the

Applicant, further submits that the order dated 14th August 2026 passed by this Court has already been challenged before the Supreme Court. It is, however, unfortunate that the present Interim Application was argued without informing the Court that the said order has already been challenged before the Supreme Court. In view of the aforesaid, the Applicant is not entitled to any relief in the present Interim Application.

[MADHAV J. JAMDAR, J.]