
(2023) 07 BOM CK 0019

In the Bombay High Court

Case No : Criminal Revision Application (ST) No.12550 Of 2023, Interim
Application No. 12556, 2520 Of 2023

Satish Sunder Kotian

APPELLANT

Vs

State Of Maharashtra & Anr

RESPONDENT

Date of Decision : 14-07-2023

Acts Referred:

Negotiable Instruments Act, 1881 — Section 138

Citation : (2023) 07 BOM CK 0019

Hon'ble Judges : Sarang V. Kotwal, J

Bench : Single Bench

Advocate : Archana Singh, Arfan Sait

Judgement

Sarang V. Kotwal, J

1. The Applicant was convicted and sentenced by the learned Metropolitan Magistrate, 58th Court, Bandra, Mumbai, vide his Judgment and order dated 01/01/2018 passed in C.C.No.1013/SS/2016. The Applicant was convicted for commission of offence punishable U/s.138 of the Negotiable Instruments Act, 1881 and was sentenced to suffer S.I. for one month. He was directed to pay compensation of Rs.1 lakh, which was the cheque amount, with simple interest @ 6%p.a. from the date of issuance of cheque i.e. 03/06/2013, till the date of the Trial Court's order and in default to suffer S.I. for two months.

2. The Applicant challenged that order by way of Criminal Appeal No.499 of 2018 before the Court of Sessions at Greater Mumbai. Learned Additional Sessions Judge, Greater Mumbai dismissed the Appeal vide his Judgment and order dated 22/02/2023.

3. After dismissal of the Applicant's Appeal, steps were taken to secure his custody. He was arrested on 27/06/2023 and as of today he is in custody.

4. Learned counsel for the Applicant submits and states that the amount of compensation as per the Trial Court's order is to the tune of Rs.1,60,000/- till the

date of Trial Court's order. Out of that amount, the Applicant has already deposited Rs.50000/- in the Trial Court during pendency of the Appeal. She further states on instructions, that the Applicant is ready and willing to deposit Rs.1,10,000/- before the Trial Court within four weeks after the release of the Applicant on bail. The statement is recorded. In view of the statement, it is necessary to hear the other side. In the meantime, by way of interim relief, the applicant can be directed to be released on interim bail.

5. Hence, the following order:

ORDER

- i) Issue Notice to the Respondents, returnable on 14/09/2023.
- ii) The Applicant is directed to be released on interim bail on his executing P. R. bond in the sum of Rs.25000/- with one or two sureties in the like amount.
- iii) This order shall operate till 14/09/2023.
- iv) The Applicant is permitted to deposit Rs.1,10,000/- before the Trial Court within four weeks from his actual release on bail.
- v) Stand over to 14/09/2023.