

ORDER ON EXH-18 IN CRIMINAL APPEAL NO. 20/2019

[CNR No. MHPU140005632019]

1] The appellant along with advocate Kiran Barge and respondent No. 1 along with his advocate Swapnil Jagtap are present. As per order Dt.05-03-2019 execution of sentence and judgment dated 7-2-2019 passed by J.M.F.C. Baramati in SCC No.408/2015 thereby convicting the appellant for the offence under section 138 of N.I. Act and sentencing him to suffer simple imprisonment for one month and to pay fine of Rs. 10,10,000/- was suspended on condition that within period of 60 days the appellant shall deposit Rs. 4,00,000/-. This period of 60 days expired on 04-05-2019.

2) The appellant has not deposited amount of Rs. 4,00,000/- within time limit of 60 days, but filed present application Exh.18 to extend said time limit. Today the appellant has shown his readiness to deposit Rs.2,00,000/- and stated his marriage is to be performed on 09-06-2019 and he has also filed his marriage invitation card. Adv Barge pointed out as per section 148(2) of N.I.Act the time limit of 60 days may be extended for more 30 days. Advocate Wagh has not disputed said legal position that the court is having power to extend period up to 30 days. Therefore I pass following order.

ORDER

1] The appellant / accused is directed to deposit Rs.2,00,000/- before J.M.F.C Baramati today. Time extended to deposit remaining amount of Rs.2,00,000/- before the before J.M.F.C Baramati till 03-06-2019 without fail. In case the appellant fails to deposit Rs.2,00,000/- before the magistrate on or before 03-06-2019, the stay granted by this court

on 05-03-2019 to execution of the impugned sentence and order dated 7-2-2019 passed by J.M.F.C. Baramati in SCC No. 408/2015 shall stand vacated, and the magistrate shall execute the sentence.

2] Inform to the trial Court, accordingly.

Date – 21-05-2019

(N. B. Shinde)
Addl. Sessions Judge, Baramati.