IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1010 OF 2026

Satinder Singh Bachher .. Applicant

V/S.

Rajesh D Rambhia (HUF) and Anr .. Respondents

VISHAL SUBHASH PAREKAR

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Date: 2026.05.30 12:12:48 +0530

Mr. Diwakar Gond, a/w Adv. J. P. Varma, for the Applicant.
Ms. Snehankita M. Munj, i/b Mr. Jatin P. Karia (Shah), for Respondent No. 1.
Mr. Ashok Gawai, APP for the Respondent/State.

CORAM : SHREERAM V. SHIRSAT, J.
DATE : 29TH MAY 2026.
(VACATION COURT)

PC:

1. Heard the learned Counsel for the Applicant and the Ld. Counsel for the Respondent No 1.

2. The Applicant has filed the present Criminal Application *inter alia* seeking quashing of the impugned order dated 24th March 2026 passed by the Sessions Judge in Criminal Appeal No. 725 of 2026 and to waive the deposit amount. The Applicant has also prayed that the execution of the sentence of the order and judgment dated 8th August 2025 and the requirement to deposit the 25% amount be stayed.

3. The Applicant was convicted by the learned J.M.F.C.(Class-I), Court

No. 36, Mazgaon, Mumbai for the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to suffer Simple Imprisonment for six months. The Applicant was further directed to pay sum of Rs. 10,00,000/- along with 9% simple interest from the date of filing of complaint till actual realization thereof and in default to undergo simple imprisonment for three months. Aggrieved by the said judgment and order, the Applicant has preferred Appeal along with an Application for suspension of sentence and application for bail before the Sessions Court.

4. The Sessions Court, while suspending the sentence, had passed the following order:

Order

"1. Criminal miscellaneous Application No. 2123 of 2025 is allowed.

2. The impugned order dated 08/08/2025 is suspended till the final disposal of the Appeal on merits subject to depositing 25% of the compensation amount within Sixty (60) days from the date of this order/uploading of order.

3. The payment of interim 25% compensation is condition precedent.

4. If the amount is directed is not deposited into the Court within stipulated time, the order stands revoked automatically without reference to this Court.

5. The compliance of the order shall be made before the learned Trial Court.

6. Appellant is directed to attend the dates of the Appeal regularly without default except genuine difficulties, else also the order would stand revoked.

7. Appellant shall not delay the hearing of the Appeal without any reasons and co-operate the Court to dispose of the Appeal at the earliest.

8. Inform the learned Magistrate accordingly.

9. Criminal Miscellaneous Application No. 2123 of 2025 is disposed of accordingly."

5. The Appeal is pending before the Sessions Court.

6. The Applicant has preferred this Criminal Application. The Ld. Counsel would contend that, Clause 2 of the order of suspension of sentence is onerous and that he is not in a position to deposit 25% of the compensation amount. He therefore prayed that the said condition be waived.

7. *Per contra,* the learned Counsel for the Respondent No 1, the original complainant, vehemently objected to the said prayer of the Applicant and submitted that the case is of the year 2022 and the Applicant has enjoyed the money of the Respondent No 1, therefore no indulgence be shown to the present Applicant. The learned Counsel for the Respondent No 1 relied upon the order passed by this Court in the case of ***Kesuram Khanchand, Thr.Prop Chandrabh an and Another Vs. Suresh***[1] and submitted that the facts are similar to the facts of the present case and the Court, after considering the law on this issue with respect to Section 148 of the Negotiable Instruments Act, had declined to exercise the discretion in favour of the applicant therein. The learned Counsel for the Respondent No 1, therefore urged that the application be dismissed and no indulgence be shown.

1 2025 SCC OnLine Bom 3166.

8. This Court has perused the application, impugned order dated 24th March 2026 passed by the Sessions Court and also the judgment relied upon by the learned Counsel for the Respondent No 1.

9. The learned Counsel for the Applicant submitted that the Applicant is not in a position to pay the said amount as he is suffering from heart related ailments and is presently undergoing treatment for the same. He has annexed medical papers to the application. The Ld. Counsel for the Applicant also submitted that the doctor has advised him to take rest for next two months and therefore, the applicant will not be in a position to arrange the said amount. The learned Counsel also prayed that he is ready to deposit 20% of the compensation amount instead of 25%. The learned Counsel for the Respondent has strongly objected to the same.

10. Considering the order passed by this Court in the case of ***Kesuram Khanchand vs Suresh*** (supra), which is rightly relied upon by the Ld. Counsel for the Respondent No 1, in the facts of the present case, this Court is not inclined to reduce the amount to be deposited as the compensation amount as no exceptional circumstance has been made out warranting any interference. However, considering the medical condition of the Applicant, the time to deposit the 25% of the compensation amount is extended by period of 4 weeks from today. The Ld. Counsel for the Respondent No1 has graciously submitted that she does not intend to object if the Applicant is

given extended time of four weeks to deposit the amount.

11. The Applicant shall deposit the 25% of the compensation amount within a period of four weeks from today. It is made clear that there shall be no further extension of time. All other conditions imposed with respect to the attendance and expeditious disposal of the appeal etc shall continue to operate.

12. The Sessions Court before which the Appeal is pending to take note of this order that only the period to deposit 25% amount is extended by four weeks considering the medical condition of the Applicant. All other conditions remain intact and warrants no interference.

11. Stand over to 30th June, 2026 for compliance.

(SHREERAM V. SHIRSAT, J.)