

## **Stanny Felix Pinto vs Jangid Builders Pvt. Ltd. And Anr on 15 January, 2001**

**Equivalent citations: AIR 2001 SUPREME COURT 659, 2001 AIR SCW 295, (2001) 20 OCR 305, 2001 UJ(SC) 2 809, 2001 CRILR(SC MAH GUJ) 269, 2001 BOM LR 1 754, (2001) 42 ALLCRIC 418, (2001) 1 CIVLJ 506, (2001) 1 CRIMES 190, (2001) 2 SCJ 17, (2001) 1 ICC 620, (2000) 3 EASTCRIC 909, (2001) MAD LJ(CRI) 9, (2000) 4 PAT LJR 42, (2001) SC CR R 694, (2001) 1 CURCRIR 155, (2000) 29 ALLCRIR 2107, (2000) 41 ALLCRIC 653, (2001) 1 BLJ 120, (2000) 4 ALLCRILR 321, (2001) 1 RAJ LW 148, (2001) SC CR R 446, (2001) 1 ALLMR 852 (SC), (2001) 2 ALLCRIR 1807, (2001) 1 SCALE 228, (2001) BANKJ 523, (2001) 1 ALLCRILR 5, 2000 (8) SCC 498, (2001) 1 ANDHLT(CRI) 159, 2001 SCC (CRI) 17, (2001) 1 JT 620 (SC), (2000) 8 JT 248 (SC), (2001) 5 BOM CR 500, (2001) 1 ALLMR 852**

**Bench: K.T. Thomas, R.P. Sethi**

CASE NO.:

Appeal (crl.) 86 of 2001

PETITIONER:

STANNY FELIX PINTO

RESPONDENT:

JANGID BUILDERS PVT. LTD. AND ANR.

DATE OF JUDGMENT: 15/01/2001

BENCH:

K.T. THOMAS & R.P. SETHI

JUDGMENT:

JUDGMENT 2001 (1) SCR 390 The Order of the Court was as follows :

Leave granted.

When a person was convicted under Section 138 of the Negotiable Instruments Act and sentenced to imprisonment and fine he moved the superior court for suspension of the sentence. The High Court while entertaining his revision granted suspension of the sentence by imposing a condition that part of the fine shall be remitted in court within a specified time. It is against the said direction that this petition has been filed. In our view the High Court has done it correctly and in the interest of justice. We feel

that while suspending the sentence for the offence under Section 138 of the Negotiable Instruments Act it is advisable that the court imposes a condition that the fine part is remitted within a certain period. If the fine amount is heavy, the court can direct at least a portion thereof to be remitted as the convicted person wants the sentence to be suspended during the pendency of the appeal. In this case the grievance of the appellant is that he is required by the High Court to remit a huge amount of rupees four lakhs as a condition to suspend the sentence. When considering the total amount of fine imposed by the trial court (twenty lakhs of rupees) there is nothing unjust or unconscionable in imposing such a condition. Hence, there is no need to interfere with the impugned order. As such no notice need be issued to the respondent.

Appeal is accordingly dismissed.