

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 223 OF 2014
IN
CRI. REVISION APPLICATION NO. 533 OF 2012**

Mr. Pravin Manohar Babar & Anr. ... Applicants.

V/s.

State of Maharashtra & Anr. ... Respondents.

Mr. Avinash Godhia, Advocate for the Applicants.

Mr. D.R. More, APP for the State.

Mr. Pravin M. Babar, Applicant No.1 present -in-person.

Mr. Shaikh Mohammad Khalid, Respondent No.2 present-in-person.

**CORAM : M.L.TAHALIYANI,J.
DATE : 05 FEBRUARY, 2015**

P.C. :

1 Not on board. Mentioned. Taken on production board.

2 Admit. Heard finally.

3 The learned counsel appearing for the Applicants is heard. Learned additional public prosecutor for the State is also heard. Respondent No.2 is present-in-person; he is also heard.

4 The applicants nos. 1 and 2 have been convicted for the offence punishable under section 138 read with 141 of

the Negotiable Instruments Act. Applicant No.1-Pravin Manohar Babar (original accused no.2) is sentenced to suffer simple imprisonment for a period of one month. The applicant nos. 1 and 2 have been directed to pay compensation of Rs. 2,25,000/- to respondent No.2. The appeal filed by the applicants has been dismissed by the order in criminal appeal no. 119 of 2011 dated 6th November, 2012. The applicants filed a revision petition in this court vide criminal revision application no. 533 of 2012. The same came to be decided by this court (Coram : S.C. Dharmadhikari,J.) on 17th April, 2013. The revision was dismissed and the time limit was given to the applicants upto eight weeks from the date of the order to deposit compensation amount. The applicants had already deposited Rs.45,000/- in the trial court. The balance amount of Rs.1,80,000/- was to be deposited within the period of eight weeks from the date of the order of this court.

5 It is submitted that applicant no.1 had met with an accident and, therefore, the order of this court could not be complied with. In the present application, the applicants seek relief of the same nature. In my opinion, there is no necessity of passing a fresh order. The order passed by this court on 17th April, 2013 can be made effective if the time limit for depositing balance amount of Rs.1,80,000/- is extended till 13th February, 2015.

6 Hence, I pass the following order :

i. The time limit given by this court in para-5 of the order dated 17th April, 2013 in criminal revision application no.533 of 2012 is extended upto 13th February, 2015. As such the applicant no.1 shall deposit Rs.1,80,000/- in the trial court before 13th February, 2015.

ii. The said amount of Rs.1,80,000/- plus Rs.45,000/- - total Rs.2,25,000/- shall be paid to respondent no. 2 - Mr. Shaikh Mohd. Khalid by the trial court after proper identification.

iii. The non-bailable warrant issued against applicant no.1 shall stand cancelled.

7 Criminal Application shall stand disposed of accordingly.

(JUDGE)

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