

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

**CRIMINAL APPLICATION NO. 1843 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 99 OF 2015**

Smt. M.J. Shreemathy

... Applicant.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. S. G. Deshmukh i/by G.T.Kanchanpurkar, Advocate for the Applicant.

Mr. S.H. Yadav, A.P.P. for the Respondent - State.

Mr. Y. M. Nakhawa, APP for the State, appeared later on.

Mr. Rayu G. Mahambare, Respondent No.2, Original Complainant is present.

CORAM : REVATI MOHITE DERE, J.

DATE : 16th SEPTEMBER, 2015

P.C. :

1 Heard learned counsel for the applicant and the learned APP for the State.

2 At the outset, the learned counsel for the applicant seeks leave to convert this application into a Bail Application in

Criminal Revision Application. Leave is granted. Amendment to be carried out forthwith.

3 I am informed by the Registry, that this bail application has been assigned to this court, as the regular bench is not available. Considering the urgency, the application is taken up for hearing forthwith.

4 Learned Counsel for the Applicant states that pursuant to the dismissal of the aforesaid Revision Application preferred by the Applicant, the learned Magistrate has taken steps for recovery of the amount. He submitted that the applicant was arrested in Bengaluru for recovery of the fine amount and was produced before the learned Judicial Magistrate First Class, 2nd Court at Vasai. He submitted that the learned Magistrate vide order dated 9th September, 2015, transferred the Applicant to Thane Jail, however, as the Applicant was not keeping good health, she was taken to hospital.

5 Learned Counsel for the Applicant states that the husband of the applicant has paid the entire amount of Rs. 21,75,000/- to the Respondent No.2 i.e. the Complainant by way of three demand drafts. He submitted that thus the Applicant has made the full and final payment, as was payable by the Applicant in criminal case no. 1328 of 2000. The

Respondent No.2 - Complainant is present in Court and accepts that he has received the demand drafts and the entire amount of Rs. 21,75,000/-. He has also no objection if the applicant is enlarged on bail.

6 In the light of the aforesaid facts, this criminal application can be disposed of by passing the following order:-

ORDER

(i) In view of the payment made by the Applicant to the Complainant, the Applicant, who is presently admitted in the J. J. Hospital, be released from the custody of the Thane Central Jail forthwith.

(ii) Learned APP to inform the concerned officer in the Thane Central Jail and to ensure that the applicant is released forthwith from the J.J. Hospital.

(iii) The learned counsel for the Applicant on instructions states that the civil litigation being Civil Revision Application No. 267 of 2011, pending before

the Karnataka High Court will be withdrawn by the Applicant. Said statement is accepted.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)

.....

CERTIFICATE

*Certified to be true and correct copy of the original
signed order.*
