

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2096 OF 2016

IN

CRIMINAL APPEAL NO.9 OF 2016

Baban s/o Dhondiba Gadape,
Age-45 years, Occu:Agriculturer,
R/o-Amrabad, Tq-Ardhapur,
Dist-Nanded.

...APPLICANT

VERSUS

- 1) Nilkantha s/o Narorao Bhuse,
Age-30 years, Occu:Agriculturer,
R/o-Lon (Budruk), Tq-Ardhapur,
Dist-Nanded,
- 2) Nagorao s/o Harji Bhuse,
Age-60 years, Occu:Agriculturer,
R/o-As Above,
- 3) Koushlyabai w/o Nagorao Bhuse,
Age-52 years, Occu:Household,
R/o-As Above,
- 4) The State of Maharashtra,
Through the police station,
Ardhapur, Tq-Ardhapur,
Dist-Nanded.

...RESPONDENTS

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Mr.V.P. Sawant Advocate h/f. Mr. A.D. Hande
Advocate for Applicant.
Mr.Govind Kulkarni Advocate h/f. R.S.
Deshmukh Advocate for Respondent Nos.1 to 3.
Mr.A.M. Phule A.P.P. for Respondent No.4.

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CORAM: A.I.S. CHEEMA, J.

DATE : 28TH APRIL, 2016

ORDER :

1. Heard learned counsel for the Applicant - original complainant. The counsel submits that the trial Court has directed deposit of compensation against the accused persons who had been convicted and the accused have deposited Rupees One Lakh. The counsel states that the Applicant is ready to furnish bank guarantee for withdrawal of the amount of Rupees One Lakh which has been directed to be paid as compensation.

2. Learned counsel for Respondent Nos. 1 to 3 - original accused opposes the Application. He says that if the Appeal is allowed, there would be

difficulty in recovery of the amount and the Respondents would be put to trouble.

3. Heard learned A.P.P. also. Learned A.P.P. states that conditions may be imposed on the Applicant - original complainant.

4. When the Appeal has been admitted and is pending, instead of releasing the amount of compensation at this stage, it would be appropriate to keep the amount in Fixed Deposit so that if the Appeal is dismissed, the complainant would get the amount with interest and if the Appeal is allowed, the accused will get back the amount with interest. In this view of the matter, I pass the following order:

O R D E R

. The trial Court is directed that
the amount of Rupees One Lakh

deposited by Accused shall be kept in Fixed Deposit in any Nationalized Bank on a long term basis, during pendency of the Appeal and with directions of automatic renewal,s ensure that the Fixed Deposit is kept alive till pendency and decision of the Appeal. Hearing of the Appeal is expedited.

. Criminal Application stands disposed of, accordingly.

[A.I.S.CHEEMA, J.]

asb/APR16