

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 3016 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.139 OF 2016
WITH
CRIMINAL APPLICATION NO. 3043 OF 2016
IN
CRIMINAL WRIT PETITION NO. 700 OF 2016**

Vijaykumar Gulabrao Baldava
Age: 55 years, Occ: Business,
R/o. Marvadi Galli, Shevgaon,
Tq. Shevgaon, Dist. Ahmednagar.

...Applicant

versus

Prakash Ambadas Kulkarni
Age: 65 years, Occ: Retired & agri.,
R/o. Old Press, Shevgaon,
Tq. Shevgaon, Dist. Ahmednagar & anr

...Respondents

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Mr. P.R. Katneshwarkar, Advocate h/f Mr. N.S.Jaju, Advocate for applicant

Mr. S.R. Andhale, Advocate for respondent No.1

Mr. A.S. Shinde, A.P.P. for respondent No.2

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CORAM : N.W. SAMBRE, J.

DATE : 14th JUNE, 2016

ORAL ORDER :

Heard Mr. Katneshwarkar, learned Counsel for the applicant at length. He submits that the applicant shall surrender in next week before learned Court below pursuant to the order of conviction awarded. He would then submit that the applicant has already deposited amount of Rs.2,05,000/- (Rs. Two lakh five thousand only) after he was convicted by learned Magistrate towards compensation.

2. In view of deposit of compensation amount of Rs.2,05,000/-, action as is ordered under Section 421 of the Code of Criminal Procedure shall remain stayed, in view of the judgment of the Apex Court in the matter of ***Dilip S. Dahanukar vs Kotak Mahindra Co. Ltd.*** reported in ***2007(1) Bom.C.R. (Cri.) 769..***

3. Mr. Katneshwarkar, learned Counsel for the applicant submits that the applicant has no objection, if the prayer for withdrawal of compensation amount of Rs.2,05,000/- is made by the respondent, however, the same should be subject to final outcome of the present proceedings. His statement is accepted.

4. In the above referred background, learned Court below shall deal with the application for withdrawal of compensation amount independently.

5. In case, undertaking as regards surrender is not honoured, non bailable warrant as is issued shall hold the field and protection granted in favour of the applicant shall stand vacated without further reference to the Court.

6. Criminal Applications stand disposed of in above terms.

Authenticated copy of this order be supplied to the parties.

[N.W. SAMBRE, J.]

Tupe/14.06.16