

vks

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.10 OF 2016
IN
CRIMINAL APPLICATION NO.95 OF 2015
IN
CRIMINAL REVISION APPLICATION NO.50 OF 2016

Dhananjay Arjun Teli ... Applicant.

V/s.

Deepak Laxmanrao Kudale and ors ... Respondents.

Mr. Pandit Kasar, for the applicant.

Mr. Girish R. Agrawal, for respondent No.1.

Mr.H.J. Dedia, APP for the State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 20th JANUARY, 2016.

P.C.:

1. By this application, the applicant seeks condonation of delay of 357 days in filing restoration Application, for restoration of Criminal Revision Application No.50 of 2014, dismissed for want of prosecution, by order dated 17th December, 2014.

2. The applicant has been convicted by Judicial Magistrate First Class, 18th Court, Pune, for offence punishable under Section 138 of the Negotiable Instruments Act and the said conviction has been upheld in Appeal No.276 of 2011, by the order dated 31.12.2013. As per said order, applicant has to pay an amount of Rs.26,50,000/- in the appellate

Court.

3. Considering the gross negligence on the part of applicant, as rightly submitted by learned counsel for the respondent-original complainant, unless some bonafides are shown by the applicant in depositing further amount of fine, the execution notice issued against him by Tahsildar, Haveli cannot be stayed.

4. In the interest of justice, therefore, subject to condition of applicant's depositing further amount of Rs.10,00,000/- within two weeks, the execution of warrant is stayed. The application for condonation of delay is allowed.

5. Criminal Application No.95 of 2014 be listed on 03.02.2016.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

CERTIFICATE

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