

Anand

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

CRIMINAL APPLICATION NO.356 OF 2016

IN

WRIT PETITION NO.1840 OF 2016

Rajendra Sadashiv Chandrachud .Applicant

Vs.

The State of Maharashtra & ors. .Respondents

Mr.H.Dasmali h/f. HD & Associates, Advocate, for
the Applicant

Mr.V.B.Konde-Deshmukh, APP, for the Respondent
No.1 – State

Ms. A. Jaisingh, Advocate, for the Respondent
No.2

CORAM : REVATI MOHITE DERE, J.

DATE : 19.08.2016

P.C.

. Heard learned counsel for the Applicant
and the learned counsel for the Respondent No.2.

2. By this Application, the Applicant
seeks the following reliefs :-

“(a) This Honourable Court may
be pleased to modify the order
dated 14th June 2016 passed in
Criminal Writ Petition No.1840
of 2016;

(b) This Honourable Court may be pleased to allow the Applicant to deposit an amount of Rs.40,00,000/- (Rupees Forty Lakhs) instead of 20% of the cheque amount i. e. Rs.63,00,000/- as condition for suspension of sentence of judgment and order dated 11th March 2016 passed by the Learned Metropolitan Magistrate's 58th Court at Bandra in C. C. No. 2065/SS/2012."

3. Learned counsel for the Applicant states that the Applicant was directed to deposit 20% of the compensation amount i.e. Rs.63,00,000/- out of the compensation amount of Rs.3,15,00,000/-. He submits that from time to time the Sessions Court and this Court have extended the time to deposit the said 20% of the compensation amount. Learned counsel for the Applicant states that he has brought a Demand Draft of Rs.40,00,000/- drawn in the name of the Registrar, City Civil & Sessions Court, Greater Bombay and states that out of the 20% of the compensation amount i.e. Rs.63,00,000/-, he may

be permitted to deposit Rs.40,00,000/- in the Registry of City Civil & Sessions Court, Greater Bombay today. Learned counsel also seeks modification of the condition of deposit of 20% of the compensation amount or in the alternative, seeks extension of time to deposit the balance amount of Rs.23,00,000/-, to make up the 20%.

4. Learned counsel for the Respondent No.2 vehemently opposes the Application seeking either modification of the order dated 14.06.2016 or extension of time.

5. Perused the papers. As far as the modification of the order dated 14.06.2016 is concerned, in the facts, no modification of the said order is warranted. However, only by way of last chance and indulgence, since the Applicant is depositing a sum of Rs.40,00,000/- by Demand Draft, time is extended by a period of six weeks from today to deposit the balance amount of

Rs.23,00,000/-.

6. Accordingly, the Application is allowed to the extent as stated aforesaid. The Applicant to deposit the Demand Draft of Rs.40,00,000/- in the Registry of City Civil & Sessions Court, Greater Bombay on or before **22.08.2016**. Time is extended by a period of six weeks from today to deposit the balance amount of Rs.23,00,000/-. It is made clear, that no further extension shall be granted and in the event, if the Applicant fails to deposit the said balance amount of Rs.23,00,000/- within a period of six weeks from today, the Appellate Court is at liberty to issue an NBW calling upon the Applicant to serve the substantive sentence.

7. The Application is disposed of.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)