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

CRIMINAL WRIT PETITION NO.4031 OF 2015

Vinaykumar Ramesh Kothari	...Petitioner
Versus	
Krish Landmark Private Limited and Anr.	...Respondents

Mr.S.S.Manjarekar i/b Mr.Daljit Singh Ramkaran Phogat, for the Petitioner.

Ms.A.A.Mane, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
DATE : 20th AUGUST, 2016

P.C. :

1. Heard learned Counsel for the petitioner.
2. The office noting shows that Notice issued to Respondent No.1 is received back duly served.
3. By this petition, the Petitioner seeks modification of the order dated 29th April, 2015, passed by the learned Additional Sessions Judge in Miscellaneous Application No.1167 of 2015, filed in Criminal Appeal No.408 of 2015, which is pending in the Sessions Court. The petitioner

also prays that the condition for suspension of sentence to deposit 15% of the compensation amount be modified by reducing the same to 5% of the compensation amount.

4. Learned Counsel for the petitioner states that the learned Additional Sessions Judge, vide order dated 29th April, 2015, was pleased to suspend the operation and execution of the substantive sentence awarded by the Trial Court, until further orders, subject to the condition that the petitioner deposits 15% of the compensation amount, in the Trial Court within 3 weeks. He submitted that the learned Additional Sessions Judge, had vide order dated 13th April, 2015 and 15th April, 2015, suspended the substantive sentences of the co-accused in the very same case, subject to the condition that the accused therein, deposit 10% of the compensation amount in Trial Court. Learned Counsel further submits that in view of these orders, the petitioner herein, again preferred an application seeking modification of the condition/order dated 29th April, 2015, directing the petitioner to deposit 15% of the compensation amount in the Trial Court. He submitted that however, the learned Additional Sessions Judge vide order dated 24th August, 2015, was pleased to partly allow the application to

the extent that the prayer for modification of the condition of payment of 15% of compensation of payment was rejected, however, time was extended by 2 weeks' to deposit the amount.

5. On instructions, learned counsel for the petitioner submits that the petitioner is ready to deposit 10% of the compensation amount, within two weeks from today, in the Trial Court.

6. Perused the papers. It appears that the petitioner's substantive sentence was suspended until further orders, subject to condition that the petitioner deposits 15% of the compensation amount in the Trial Court within 3 weeks. The said order was passed on 29th April, 2015. It appears that the substantive sentences of the co-accused in the very same case were suspended, subject to the condition that the accused therein deposit 10% of the compensation amount in the Trial Court.

7. In view of the statement made by the learned counsel for the petitioner, that the petitioner is ready to deposit 10% of the compensation amount, within two weeks from today in the Trial Court, the condition

imposed by the Appellate Court, vide order dated 29th April, 2015 is modified to the extent that the petitioner shall now deposit 10% of the compensation amount in the Trial Court, within two weeks from today, instead of 15% of the compensation amount. It is made clear that no further extension shall be granted.

8. The Petition is disposed of in the above terms.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.