

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 254 OF 2017

Abhay Gangadhar Pagdhare

.... Petitioner

Versus

Hasmukh Amrutlal Shah & Anr.

.... Respondents

Ms. Yogita M. Deshmukh for Petitioner.

Ms. Anamika Malhotra, APP for Respondent No.2/State.

CORAM : RAVINDRA V. GHUGE, J.
DATE : MARCH 22, 2017.

P.C.

1. The Petitioner is aggrieved by the order dated 24/8/2016 passed by the Appeal Court below Exh.5 in Criminal Appeal No. 29 of 2016, by which Respondent No.1 has been directed to deposit Rs. 3,00,000/- (Rs. Three Lacs only) as an interim measure. Grievance is that Respondent No.1 is liable to pay Rs. 20,00,000/- (Rs. Twenty Lacs only) to the Petitioner in view of the final judgment of the trial court under Sections 138 and 141 of the Negotiable Instruments Act.

2. In the alternative, it is submitted that the Appeal may be expedited and the Petitioner be allowed to withdraw an amount of

Rs. 3,00,000/- as is deposited, by tendering an Affidavit/Undertaking.

3. I have considered the submissions of the learned Advocate. I find that the ends of justice would be met by directing the Appeal Court to decide Criminal Appeal No. 29 of 2016 expeditiously and within a period of six months.

4. As such, this Petition is disposed of by directing the learned Additional Sessions Judge, Palghar to decide Criminal Appeal No. 29 of 2016 within a period of six months from today.

5. In the event the Petitioner makes an application for withdrawal of the amount, the Appeal Court, after obtaining the say of the Appellant, would consider the said application on the condition of tendering an Affidavit/Undertaking and on its own merits.

(RAVINDRA V. GHUGE, J.)