

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

**CRIMINAL APPLICATION NO.127 OF 2017
IN
WRIT PETITION NO.148 OF 2017**

Arun Subrao Kapse & Anr.	...Applicants
Versus	
Senior Inspector of Police & Ors.	...Respondents

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Mr. Mahadeo A. Choudhari for the Petitioners/
Dr. F.R. Shaikh, APP for the Respondent Nos.1 and 4.
Mr. Farzan i/b. Mr. M.V. Thorat for the Respondent No.3.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 22nd MARCH, 2017.

P.C.:-

Heard the learned counsel appearing for the Applicants, the learned APP for the first and fourth Respondents and the learned counsel appearing for the third Respondent. The Applicants have tendered affirmed undertaking dated 22nd March, 2017, which is taken on record and marked as 'A3' for identification. The learned counsel appearing for the third Respondent has no objection for granting prayer (b) in terms of undertaking tendered today, subject to condition that no further extension should be granted to the Applicants. Clauses Nos. 4, 5 and 6 of the said undertaking tendered today read thus:-

“4. Petitioners state that, they have paid amount of

Rs.15,50,000/- (fifteen lakhs fifty thousand) to complainant bank on 20.03.2017 as part payment of installment which was due on 01.03.2017.

5. Now petitioner undertake to this Hon'ble court that, they will pay remaining amount of Rs.65.15 lakhs of 1st installment which was due on 1st March, 2017, on or before 31st March, 2017 and thereafter 2nd installment which is due on 1st April, 2017 as per earlier undertaking will be paid on 07.04.2017 and remaining two installments will be paid as per earlier undertaking dated 30.01.2017 i.e. on 1st May, 2017 and 1st June, 2017.

6. Petitioner undertake to this Hon'ble court, they will pay above amount without fail as per above undertaking.”

2. We accept the statements and undertakings as aforesaid. In view of the acceptance of the undertakings, earlier undertaking dated 31st January, 2017 stands modified to that extent.

3. Accordingly, the criminal application is disposed of by passing following order :

(a) undertakings as aforesaid given by the Applicants are accepted;

(b) Time for payment of the installment due and payable on or before 1st March, 2017 in terms of earlier undertaking dated 31st January, 2017 is extended till 31st March, 2017. Time granted to pay the installment payable on 1st April, 2017 is extended till 7th April, 2017. Rest of the installments remain unaltered;

(c) We make it clear that no further extension of time will be granted;

(d) The Application is disposed of in above terms.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)