

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 793 OF 2014

IN

CRIMINAL APPLICATION NO. 4518 OF 2010

Dilip Kerba Siddhe

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr.Ajit Kenjale a/w Mr.Akshay Kamble for the Applicant.

Mr.Rajan Salvi, APP for the State-Respondent.

Mr.Sachin Deokar i/b. Mr.V.V.Purwant for Respondent No. 2

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CORAM : MRS.MRIDULA BHATKAR, J.

DATE : 2nd March 2017

P.C.:

1. This application is preferred by one Dilip K. Siddhe, the original accused in C.R.No. 206 of 2010 for the offences punishable under sections 408, 409, 420, 421, 422, 477 and 506 read with 34 of the Indian Penal Code lodged with Fouzdar Chawdi Police Station, Solapur.

2. This Court by order dated 22nd October 2010 has directed the applicant-accused to deposit an amount of Rs. 15 lacs, which was due against one fictitious account.

3. The learned counsel for the applicant-accused submits that pursuant to the order dated 22nd October 2010, he has deposited Rs. 15 lacs with the Judicial Magistrate First Class, Solapur before whom the case is pending. He has further submitted that pursuant to the order of this Court he has paid Rs. 34,66,000/- in the account no. 963 of Swami Samarth Sahakari Co-operative Bank Ltd.

4. The learned counsel appearing for the complainant disputes this demand. However, the learned counsel for the applicant-accused has produced the statement of the bank showing zero dues. So also, no due certificate dated 1st March 2017 is produced and the same is taken on record.

5. In view of this submission and the counter objection, the learned counsel for both the parties are directed to appear before the learned Judicial Magistrate First Class before whom the concerned criminal case is pending and make their statements and produce the factual data before the learned Magistrate to enable him to verify as to whether the dues in the accounts are satisfied or not. If the dues are repaid by the applicant-accused, then the amount deposited by him i.e. Rs.15 lacs alongwith interest accrued thereon is to be returned by the learned Judicial Magistrate First Class. The parties are directed to

appear and produce their respective documents on 21st March 2017 at 11.00 a.m.

6. In view of this, both Criminal Applications are disposed of accordingly.

(MRIDULA BHATKAR, J.)