

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) NO.469 OF 2015

Suryakant s/o Ramraoji Gade

..VS..

M/s. Chintamani Kotex and anr

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri M.P. Kariya, Counsel for the Applicant.
Shri A.R. Patil, Counsel for Non-applicant No.1.

CORAM : P.N. DESHMUKH, J.

DATED : APRIL 5, 2017.

Heard.

By consent of learned counsels for both the
sides, application is disposed of finally.

This application takes exception to
impugned order passed by learned Additional Sessions
Judge in Criminal Appeal No.23 of 2014 dated 9.5.2014
whereby substantive sentence imposed upon non-
applicant No.1 is suspended, pending appeal. It is
however contended that while suspending sentence,
learned Sessions Judge had not passed any order for
payment of amount of compensation or part thereof
and, therefore, has contended that by allowing
application, non-applicant No.1, during pendency of
appeal, be directed to pay entire amount of
compensation.

Learned counsel for non-applicant No.1 has not disputed fact, however has submitted that Criminal Appeal No.23 of 2014, pending on the file of learned First Appellate Court can be directed to be disposed of expeditiously, in view of the fact that sentence is suspended without direction to non-applicant No.1 to pay compensation amount or any part thereof.

In view of submissions advanced as aforesaid as well as facts involved in application as from impugned order it appears that no direction is issued to non-applicant No.1 to pay compensation amount or any part thereof, instead of giving direction to non-applicant No.1 to make any such payment pending appeal, since impugned order is passed on 9.5.2014, it is found appropriate to expedite appeal itself. In that view of the matter, the following order is passed:

Application is partly allowed with direction to the Appellate Court to decide Criminal Appeal No.23 of 2014 expeditiously and in any case within a period of three months from the date receipt of writ of this Court.

Application stands disposed of accordingly.

JUDGE

!! BRW !!

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