

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.672 OF 2018

IN

CRIMINAL APPEAL NO.993 OF 2015

AND

CRIMINAL APPLICATION NO.671 OF 2018

IN

CRIMINAL APPEAL NO.994 OF 2015

ASHOK R. SOLANKI

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.

)...RESPONDENTS

Mr.Prakash Shinde i/b. MDP And Partners, Advocate for the Appellant/Respondent in Criminal Application Nos.671/2018 and 672/2018.

Mr.Anwar Landge i/b. Mr.H.V.Bhadbhade, Advocate for Respondent No.2/Applicant in Criminal Application No.672/2018 and 671/2018.

Ms.Anamika Malhotra, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 23rd APRIL 2018

P.C. :

1 These are applications for modification of the order dated 28th September 2015 passed by this court while granting leave and admitting the appeals as well as for taking action under Section 390 of the Code of Criminal Procedure. Heard the learned advocate appearing for the applicant as well as the learned advocate appearing for the non-applicant no.2. The learned advocate appearing for non-applicant no.2 submits that the address given in cause title of the applications is incorrect as the applicant was not found on the said address when the non-applicant no.2 had been to that address for executing the award.

2 As against this, according to the learned advocate for the applicant submitted that it is not possible for him to arrange for surety in terms of order dated 28th September 2015 and therefore, the applicant is ready to furnish cash security.

3 The address of the applicant in the cause title of the application is not relevant for the purpose of deciding the instant

application as the applicant has appeared before this court through duly appointed advocate. Infact, the applicant was acquitted of the alleged offence by the learned trial court and this court is dealing with the appeals challenging his acquittal. In this view of the matter, as the applicant, who is an acquitted accused, is unable to furnish surety in the sum of Rs.15,000/-, as directed by this court, I find no substance in the contention that the address of the applicant is incorrect and therefore, he should not be permitted to furnish cash security. The applicant cannot be directed to be send to the prison for not furnishing surety, particularly, when he is an acquitted accused. Therefore, the order dated 28th September 2015 is modified by directing the respondent no.2 to furnish PR.Bond of Rs.15,000/- with cash security in the like amount before the learned trial court.

The applications are disposed of accordingly.

(A. M. BADAR, J.)