

Instruments Act and sentenced to suffer R.I. for one year. The petitioner/accused is directed to pay compensation of Rs.1,75,00,000/- to the complainant within two months from the date of the order, i.e., 3rd June, 2017 passed by the learned 22nd Judicial Magistrate First Class, Pune. The said order was challenged by the petitioner/accused by filing Criminal Appeal No. 183 of 2018. In the said Appeal, by order dated 29th June, 2018 the learned Additional Sessions Judge, Pune has suspended the execution of substantive sentence and order of payment of compensation under section 389 of Cr. P.C. on 30% payment of compensation, which is to the tune of Rs.52,50,000/-. The petitioner/accused thereafter made an application that the period of 60 days may be granted to the accused to deposit 30% of the amount of compensation. However, the learned Sessions Judge rejected the said application on 29th June, 2018. Therefore, the petitioner/accused filed this Writ Petition for granting period of 60 days to pay the said amount.

4. After hearing the submissions of both the counsel, in fact not only the period of 60 days but the period of 120 days have passed away. The petitioner/accused has deposited Rs.2,50,000/- out of

Rs.52,50,000/- in the Court of Judicial Magistrate First Class.

Thus, as on today, the amount of Rs.50,00,000/- is due.

5. As the petitioner/accused has showed his willingness to deposit an amount of Rs.50,00,000/-, this Petition can be allowed by putting following terms and conditions of payment of due amount with instalments:

- (i) Writ Petition is allowed;
- (ii) The petitioner shall deposit Rs.10,00,000/- on or before 1st November, 2018; Rs.20,00,000/- on or before 28th November, 2018 and Rs.20,00,000/- on or before 28th December, 2018. Thus, the petitioner will be paying total amount of Rs.50,00,000/-.
- (ii) The respondent/original complainant is allowed to withdraw 20% of the amount of cheque amount, which comes to Rs.23,00,000/-, subject to the decision of Appeal, on indemnity bond.

6. On this background, the petitioner is directed to move an application before the Appellate Court with this order for the cancellation of non-bailable warrant and the Appellate Court, after

verifying the initial payment of Rs.10,00,000/-, may pass appropriate order.

7. The learned counsel for respondent no. 1 submitted that respondent no. 1 stays at Dubai, therefore, he prays that scanned copy of Vakalatnama with electronic signature of respondent no. 1 be allowed to be filed within two weeks.

8. The learned counsel for respondent no. 1 is allowed to file scanned copy of Vakalatnama within two weeks.

(MRIDULA BHATKAR, J.)