

nsc.

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

CRIMINAL APPLICATION NO.95 OF 2018

- | | |
|------------------------------------|----------------|
| 1. Abdul Rajjak Abdul Ganni Parkar | |
| 2. Wasim Abdul Rajjak Parkar | |
| 3. Wajid Abdul Rajjak Parkar | ... Applicants |
| Versus | |
| The Sr. Police Inspector and Ors. | ...Respondents |

Mr.M.M.Agavekar, for the Applicants.

Mr.Kiran Gandhi i/b Little & Co., for the Respondent No.2.

Mr.H.J.Dedhia, A.P.P for the Respondent No.3-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 22nd FEBRUARY, 2018

P.C. :

1. Heard learned counsel for the parties.
2. At the outset, learned counsel for the applicants does not press for prayer clause (c) and only presses for prayer clause (d). Prayer clause (d) reads as under:-

“d. This Hon'ble Court be pleased to quash and set aside
impugned Order dated 15/12/2017 passed by the Ld

Session Court, Mangaon, Dist:Raigad, Shri D.N.Argade, in CR No.II-2680/2017, over the Application dated 9/11/2017 for Extension of time for making payment/installment by virtue of bail modification order dated 28/9/2017, filed by the applicants and further be pleased to order/allow the applicants to make the payment of installments by virtue of said bail modification order with effect from the date of restoration of power supply to applicants.”

3. Learned Counsel for the applicants submits that the learned Additional Sessions Judge, Mangaon-Raigad, vide order dated 15th December, 2017, was pleased to reject the application filed by the applicants for extension of time to make the payment, pursuant to clause – 2 of the bail order dated 14th September, 2017. He submitted that by way of indulgence, the time be extended to make the said payment, as directed by the learned Additional Sessions Judge, Mangaon, District-Raigad, vide clause – 2 of the order dated 14th September, 2017, in the bail application filed by the applicants.

4. Learned Counsel for the Respondent No.2 opposes the application.

5. Perused the papers. The applicants are prosecuted for the offence punishable under Section 135 of the Electricity Act and was arrested in connection with the said offence, vide C.R.No.2680 of 2017, registered with the M.S.E.D.C.L. Kalyan Police Station. The learned Additional Sessions Judge, Mangaon, District-Raigad, vide order dated 14th September, 2017, directed that the applicants be released on bail after executing P.R.Bond of Rs.50,000/- each with one solvent surety in the like amount, subject to depositing half of the amount of the theft of electricity of Rs.83,70,060/- in the Sessions Court. It is informed that the applicants have already deposited an amount of Rs.10,00,000/- in the Sessions Court.

6. Learned Counsel for the applicants seeks extension of time of six weeks to deposit the balance amount of Rs.31 lakhs odd, in the aforesaid C.R. i.e. C.R.No.2680 of 2017.

7. Only by way of indulgence, time is extended by a period of six weeks, to enable the applicants to deposit the balance amount of Rs.31 lakhs odd in the Registry of the Sessions Court (in C.R.No.2680 of 2017), in which Rs.10,00,000/- has already been deposited. On depositing the said

amount i.e. 50% of the theft amount, as directed by the learned Additional Sessions Judge, Mangaon, District-Raigad, vide order dated 14th September, 2017, the applicants are at liberty to file a fresh application seeking restoration of the electricity supply, which the learned Additional Sessions Judge shall decide the same on its own merits, after hearing all the parties. All contentions of all parties are kept open.

8. Application is accordingly disposed of on the aforesaid terms.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.