

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

Criminal Application [APPR] No.286 of 2018
in
Criminal Revision [REVN] No.111 of 2017

Krupashankar Jamnashankar Pande

vs.

The State of Maharashtra, through P.S.O., Jaripatka, Nagpur & others

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

Court's or Judge's Orders

*Shri P.P. Kotwal, Advocate for the Original Revision Applicant.
Shri V.P. Maldhure, A.P.P. for Original Non-Applciant No.1./State.*

CORAM : S.B. SHUKRE, J.
DATE : 23rd OCTOBER, 2018.

Heard Shri P.P. Kotwal, learned Counsel for the original revision applicant and Shri V.P. Maldhure, learned A.P.P. for the State. Nobody is present on behalf of original non-applicant Nos.2 & 3, who have filed this application seeking modification of the order, dated 31/07/2018.

Initially he points out that by the order passed on 31/07/2018, Criminal Application [APPR] No.233/2018 filed in the revision application by the original revision applicant was allowed by this Court and this Court directed the original non-applicant Nos.2 & 3 to deposit the amount of Rs.8,25,000/- after adjusting an amount of Rs.1,05,000/- together with interest at the rate of 7% per annum from 21/04/2016 till the date of the deposit. Now, the learned Counsel

for the original revision applicant further submits that this order has been only partly complied with by original non-applicant Nos.2 & 3 in the sense that while the remaining amount had been deposited, the interest portion has not been deposited. He further submits that several opportunities have been granted to the original non-applicant Nos.2 & 3 to comply fully with the said order, but in vain

The learned A.P.P. submits that an appropriate order be passed in the matter.

On going through the record of the case, I find substance in the argument of the learned Counsel for the original revision applicant. Several opportunities have been given to the original non-applicant Nos.2 & 3 to fully comply with the order passed on 31/07/2018 and yet the opportunities have not been availed of. The compliance was necessary on the part of original non-applicant Nos.2 & 3 to show their bona fides, but that is not the case here. There is no justification given by original non-applicant Nos.2 & 3 in not completely complying with the said order. Therefore, this application deserves to be dismissed. The application stands dismissed and disposed of accordingly.

Criminal Application [APPR] No.99/2018 :

Heard Shri P.P. Kotwal, learned Counsel for the original revision applicant and Shri V.P. Maldhure, learned A.P.P. for the State. Nobody is present on behalf of original non-applicant Nos.2 & 3, who have filed this application seeking permission to withdraw the amount.

As pointed out by Shri Kotwal, learned Counsel for the original revision applicant that there is no complete compliance made by original non-applicant Nos.2 & 3 with the order passed by this Court on 31/07/2018 in spite of ample opportunities having been given, I am of the opinion that these original non-applicants have not filed this application in a bona fide manner. In addition to that, there is no explanation given by them as to why they do not make full compliance. This application, therefore, deserves to be dismissed. The application stands dismissed and disposed of accordingly.

JUDGE**sandesh*