

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

Criminal Application [APPR] No.233 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 Applicant.
 Shri V.P. Maldhure, A.P.P. for Respondent No.1.
 Shri P.K. Bezalwar, Advocate for Respondent Nos.2 & 3.*

CORAM : S.B. SHUKRE, J.
DATE : 31st JULY, 2018.

I have perused the agreement of sale and it appears that the price of vehicle agreed between the parties is of Rs.8,25,000/-. However, while the possession of the truck has been, admittedly, handed over to respondent Nos.2 & 3, the consideration of the agreement of sale has not been paid in its entirety to the applicant. It was one of the conditions of the agreement of sale that after payment of Rs.1,05,000/- to the applicant by non-applicant Nos.2 & 3, the remaining amount payable by non-applicant Nos.2 & 3 to the applicant would be utilized for clearing the dues of Reliance Finance Company. Admittedly, except for the amount of Rs.1,05,000/-, remaining amount of consideration of the agreement of sale has not been

paid by non-applicant Nos.2 & 3 to the applicant and the result is that the applicant could not clear the outstanding dues of the Reliance Finance Company with whom the truck sold to non-applicant Nos.2 & 3 remains hypothecated. Non-applicant Nos.2 & 3, being in possession of the truck in question, have enjoyed the possession and at the same time, they have also not fulfilled their part of the agreement by paying the remaining amount of sale consideration of the sale agreement.

In these circumstances, it would be appropriate that non-applicant Nos.2 & 3 deposit in this Court the remaining amount of the sale consideration of Rs.8,25,000/- after adjusting an amount of Rs.1,05,000/- already deposited in this Court, together with interest at the rate of 7% per annum from 21/04/2016 till the date of the deposit. If this amount is deposited in this Court within a period of four weeks from the date of the order, the matter can be taken up for final hearing and decided appropriately. Non-applicant Nos.2 & 3 may, therefore, deposit the remaining amount of the consideration of the sale agreement as directed above.

JUDGE

**sandesh*

Sandesh
Daulatrao
Waghmare

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