

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

CRIMINAL REVISION APPLICATION NO. 195/2018

Nitin Marorao Sawwalakhe

-vs-

State of Maharashtra.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri R.H. Chandurkar, Advocate for the Applicant.
Shri V.A. Thakare, Advocate for the Non-applicant.

Coram: Z.A. HAQ, J.

Date : 3.10.2018.

The applicant was arrested in connection with Crime No. 635/2018 registered by the non-applicant for the offences punishable under Section 420 and Section 406 of the Indian Penal Code. The applicant filed application praying for grant of bail. On this application, an order was passed by the Sessions Court on 23rd August 2018, directing release of the applicant on bail on certain conditions. The condition No. (i) imposed by the Sessions Court read as follows :-

“i) The applicant shall deposit the difference amount of Rs. 12,93,000/- in this Court on or before 17.09.2018. Upon failure to deposit the amount on that day, the bail shall stands cancelled and if the amount is paid, the further order as may be necessary will be passed. Therefore, application be kept pending for final order on 17.09.2018. Meanwhile the applicant shall follow the following conditions.”

The applicant had filed Criminal Revision Application No.178/2018 before this Court and had challenged the above condition, the submission on behalf of the applicant was that instead of depositing the amount of Rs. 12,93,000/- he be permitted to furnish solvent surety. By the order dated 12th September 2018, the revision application was dismissed as withdrawn with liberty to the applicant to approach the Sessions Court for modification of the order dated 23rd August 2018. The applicant then moved the Sessions Court praying for revoking the Condition Nos. (i) (ii) as imposed by the order dated 23rd August 2018. This application is dismissed by the Sessions Court by the impugned order and therefore the applicant has filed this Revision Application.

Apart from the fact that in the order passed on 23rd August 2018 the learned Sessions Judge has recorded reason for imposing the condition of deposit, it has to be noted that Pursis dated 21st August 2018 was filed before the Sessions Court in which it was stated that the applicant would deposit the amount of Rs. 12,00,000/- within two months. The Pursis was filed under the signature of the advocate appearing for the applicant. The Sessions Court while passing the order dated 23rd August 2018, had taken note of the Pursis which is clear from Paragraph No.7 of the order.

Surprisingly, the applicant now contends that the Pursis was filed without the knowledge of the applicant and without instructions from the applicant. The conduct of the applicant speaks volume. The applicant has not made any grievance regarding the Pursis before the Sessions Court. This grievance is made before this Court for the first time.

As I find that the condition imposed by the Sessions Court is proper and reason for imposing such condition cannot be faulted with, I see no reason to interfere in the matter.

The Criminal Revision Application is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

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