

**HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

**CRIMINAL PETITION No.5051 of 2018**

**ORDER :**

Heard and perused the impugned order.

2. The learned counsel for the petitioner has drawn attention to the expression of the Apex Court in **Dilip S. Dahanukar Vs. Kotak Mahindra Company Limited**<sup>1</sup> that there not less than 1/10<sup>th</sup> is ordered to be deposited pending appeal by suspending the sentence. Whereas the lower appellate Court passed the order of the suspension of sentence subject to deposit of 25% of the amount and thereby the same requires to be modified.

3. Having regard to the above, the criminal petition is disposed of, referring to that expression by directing the petitioner to deposit 1/6<sup>th</sup> of the amount on or before 04.07.2018, failing which the trial Court can enforce for recovery of the compensation amount by levying under Section 421 r/w 431 Cr.P.C. In the event of the petitioner deposited the amount, the respondent/complainant is permitted to withdraw the amount subject to furnishing of security to make good in the event of reversal of the trial Court judgment in the pending appeal.

Miscellaneous petitions pending, if any, shall stand closed.

**Dr. B. SIVA SANKARA RAO, J**

28<sup>th</sup> June 2018.

Note:

Issue C.C. today.

(b/o)

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<sup>1</sup> 2007 (6) SCC 528