

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL REVISION APPLICATION NO. 25 OF 2019

Mohan Bagade

... Applicant

Versus

Santana Fernandes & Anr.

... Respondents

Shri K. More holding for Shri H.D. Naik, Advocate for the Applicant.

Coram:- PRITHVIRAJ K. CHAVAN, J.

Date:- 6th September, 2019

ORAL ORDER :

On 29th July, 2019, the following order was passed:

“The judgment of the Additional Sessions Judge dated 3.1.2019 reveals that though the accused filed an application for suspension of sentence, he has not complied with the directions and, therefore, warrant came to be issued against him which returned unexecuted. The conduct of the accused is writ large and, therefore, he cannot as of right invoke revisional jurisdiction of this Court. Before issuing notice, the accused shall deposit entire amount of compensation within a period of four weeks before this court, failing which revision shall stand dismissed without further reference to this Court.

2. Stand over to 26.08.2019.”

2. On 26th August, 2019, the following order was passed :

“Despite granting one month's time, the applicant has not deposited the entire amount of

compensation as directed by the order dated 29/07/2019.

2. Today, the applicant is present in person before the Court along with the Counsel.

3. By way of indulgence and last chance, at the request of the learned Counsel for the applicant, stand over to 06/09/2019.”

3. Para 8 of the impugned judgment dated 03/01/2019 passed by the Additional Sessions Judge, Margao in Criminal Appeal No.37 of 2018 reads thus:

*“8. Though the accused filed an application for the suspension of the execution of the sentence and though an order was passed suspending that the execution of the sentence upon conditions, the accused did not comply with the said conditions and also stopped appearing in the matter. The warrants issued against the accused are returned unexecuted. Hence this matter is heard in the absence of the accused in terms of the judgment of the Hon'ble Apex Court, in the case of **Bani Singh and Ors. V/s. State of UP [AIR 1996 SC 2439].**”*

4. Today, Shri K. More holding for Shri H.D. Naik submits that Shri Naik is on leave.

5. As by way of indulgence last chance was already granted and since the applicant is also not present and has neither deposited the amount, the Criminal Revision application stands

dismissed. So also, since the accused has not approached this Court with clean hands, there is no question of showing further indulgence.

PRITHVIRAJ K. CHAVAN, J.

NH