

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.67 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.50 OF 2019**

Sunita Traders,
Proprietor
Sudarshan Tirumalaya Jadal

... Applicant

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.P.G. Sarda for the Applicant

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 20, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. By the present Criminal Application No.67 of 2019, the applicant/accused is challenging the order dated 27.11.2018 passed by the learned Additional Sessions Judge, Solapur in Appeal No.25 of 2017 wherein the order of conviction by the learned JMFC, Solapur, is confirmed, however, the order of substantive sentence was reduced to suffer S.I. till rising of the

Court and he is directed to pay compensation of Rs.90,000/- in two months from the date of the order i.e., 27.11.2018 and i/d, to suffer S.I. for two months.

3. The learned Counsel for the applicant submits that the applicant/accused is not taken in custody as the sentence to suffer S.I. till rising of the Court is already undergone and now, he is challenging the amount of compensation.

4. Learned Prosecutor is present and submits to the orders of the Court.

5. In view of the submissions of the learned Counsel and also as there is no chance that the Revision Application will be heard in near future, the application is allowed on the following terms:

- i) The Criminal application No.67 of 2009 is allowed.
- ii) The applicant/accused shall deposit a sum of Rs.10,000/- before the trial Court i.e., the learned JMFC, Solapur, within a week from today.
- iii) Subject to the above deposit being made, the impugned order dated 27.11.2018 in respect of payment of

compensation alone shall stand stayed.

iii) The applicant/accused shall make himself available on all the Court dates.

iv) The complainant may withdraw the said amount of Rs.10,000/- from the trial Court.

6. Issue notice to the respondents in the Criminal Revision Application, returnable on 15.7.2019. The learned advocate for the applicant to furnish copy(s) of the application in the Registry, so as to enable the Registry to issue notice(s).

7. Criminal Application No.67 of 2019 stands disposed of accordingly.

(MRIDULA BHATKAR, J.)