

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

**CRIMINAL APPLICATION NO.20 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.15 OF 2019
WITH
CRIMINAL REVISION APPLICATION NO.15 OF 2019**

Sanjay Raghunath Amrutkar ... Applicant

Vs.

Kailas Shantaram Kothawade & anr. ... Respondents

Mr.M.N. Sandhyanshiv for the Applicant

Mr.Vinod Chate, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 11, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. The Criminal application is moved by the applicant/accused for suspension of the impugned judgement and conviction dated 7.1.2019 and also for bail pending the Criminal Revision Application. The applicant/accused was convicted by order dated 29.4.2005 passed by the learned JMFC, Malegaon, Nasik, in R.C.C. No.115 of 2005 and directed to pay fine of Rs.15,000/- and

i/d to suffer S.I. for two months. Out of Rs.15,000/-, a sum of Rs.10,000/- was to be paid as compensation to the complainant. The said order was challenged by the accused and also the original complainant by filing two appeals i.e., Criminal Appeal Nos.14 of 2011 and 16 of 2011 respectively. The learned Additional Sessions Judge, Malegaon, Nasik, dismissed the Criminal Appeal No.14 of 2011 filed by the accused by judgment and order dated 7.1.2019 and allowed the Criminal Appeal No.16 of 2011. The learned Sessions Judge modified the order passed by the learned J.M.F.C. on the point of quantum and sentenced the accused to suffer S.I. for three months and pay a compensation of Rs.8,55,000/-. The applicant/accused is taken into custody on 7.1.2019. Hence, the Revision application.

3. The learned Counsel for the applicant/accused submits the applicant/accused has a good case on merits. It is a bailable offence. Further, the applicant/accused was on bail throughout the trial and also during the appeal.

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 applicant/accused shall deposit a sum of Rs.4 lakhs in two installments. The first installment shall be deposited before the learned JMFC, Malegaon, Nasik on or before 21.1.2019 and the second installment on or before 15.2.2019.

ii) Subject to the deposit being made as mentioned above in clause (i), the applicant/accused shall be released on bail upon furnishing a P.R. Bond in the sum of Rs.15,000/- with one or two sureties in the like amount;

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

6. Issue notice to the respondents in the Criminal Revision Application, returnable on 5.4.2019.

7. Criminal Application stands disposed of accordingly.

(MRIDULA BHATKAR, J.)