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

***CRIMINAL APPLICATION NO.582 OF 2018
(FOR STAY)
IN
CRIMINAL APPEAL NO.566 OF 2018***

Arvind Laxman Kogekar ...Applicant

Versus

Rajeshri Rajendra Dhere and Anr. ...Respondents

Mr.Anand S. Patil, i/b Anand Patil and Associates, for the Applicant.

Mr.P.D.Pise, for the Respondent No.1.

Mr.S.V.Gavand, A.P.P for the Respondent No.2 - State.

CORAM : REVATI MOHITE DERE, J.

DATE : 30th APRIL, 2019

P.C. :

1. Heard learned counsel for the parties.
2. By this application, the applicant seeks stay to the impugned Judgment and Order dated 24th April, 2017, passed by the learned Additional Sessions Judge, Gadhinglaj, in Criminal Appeal No.3 of 2015,

arising out of Summary Criminal Case No.139 of 2013, till the Appeal is finally decided.

3. Perused the papers. It appears that the Respondent No.1 was convicted by the learned Judicial Magistrate First Class, Ajara, Kolhapur, in Summary Criminal Case No.139 of 2013 for the offence punishable under Section 138 of Negotiable Instruments Act and was sentenced to suffer simple imprisonment for one month and to pay compensation of Rs.6,00,000/-, in default of payment of compensation, to further undergo simple imprisonment for one month. The Respondent No.1 challenged the said conviction and sentence before the learned Additional Sessions Judge, Gadhinglaj, District - Kolhapur. During the pendency of the Appeal, it is not in dispute that Respondent No.1 deposited an amount of Rs.1,00,000/- in the Sessions Court. The learned Additional Sessions Judge, after hearing the parties was pleased to acquit the Respondent No.1 by setting aside the Judgment and Order of conviction dated 4th March, 2015, passed by the learned Judicial Magistrate First Class, Ajara, Kolhapur, in Summary Criminal Case No.139 of 2013.

4. Being aggrieved by the Judgment and Order dated 24th April, 2017, acquitting the Respondent No.1, the Applicant approached this Court by filing the aforesaid Appeal. It is not in dispute that an amount of Rs.1,00,000/- out of Rs.6,00,000/- had been deposited by the Respondent No.1 in the Sessions Court, pending his Appeal. Since, this Court has admitted the aforesaid Appeal of the Applicant, the Respondent No.1 shall not withdraw the amount of Rs.1,00,000/- deposited by him in the Sessions Court, till the same is decided. The Registry of the Sessions Court, shall invest the aforesaid amount, so deposited, as per the standing orders, till such time that the Applicant's Appeal is finally decided by the Court and appropriate orders are passed thereon.

5. The Application is allowed in the aforesaid terms and is accordingly disposed of.

6. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.

