

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPW) NO. 164 OF 2021 IN
CRIMINAL WRIT PETITION NO.183 OF 2014 (D)

Kishor s/o Laxmanrao Futane and another

Vs.

State of Maharashtra, through the Secretary, Home Department,
Mantralaya, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri P.S. Tiwari, Advocate for applicants/petitioners.
Shri V.A. Thakare, APP for respondent nos.1 to 4.

CORAM : M.S. SONAK & PUSHPA V. GANEDIWALA, JJ.
DATE : 17th NOVEMBER, 2021.

Heard Shri Tiwari, learned counsel for the applicants/petitioners and Shri V.A.Thakare, learned Additional Public Prosecutor for respondent nos. 1 to 4.

2. By our judgment and order dated 17.12.2019 the respondent no.5 – Shri Dhananjay Sayare was directed to pay compensation of Rs.1,00,000/- and costs of Rs.10,000/- to each of the petitioners.

3. Shri Tiwari, learned counsel points out that respondent no.5 had preferred a Special Leave Petition before the Hon'ble Supreme Court and but the same was dismissed by order dated 01.06.2020. He submits that till date respondent no.5 has not complied with the directions issued by this Court.

4. Accordingly, we issue notice to respondent no.5, returnable on 25.11.2021.

5. Learned Additional Public Prosecutor states that this order will be communicated to respondent no.5 so that respondent no.5 can take necessary action in the matter.

6. Unless, the respondent no.5 has any further credible defense even after dismissal of his SLP, respondent no.5 is expected to pay or deposit the amount directed by this Court on or before next date, which shall be 25.11.2021. If for any reason the respondent no.5 feels that it is justified in not making such payment, then, he is directed to personally remain present before this Court along with his reply, so that, he can be heard in the matter. If the amount is neither paid/deposited nor respondent no.5 remain present in this Court, then, we will be constrained to consider whether action under the Contempt of Courts Act is required to be initiated against respondent no.5 and further the presence of respondent no.5 is required to be secured through the coercive process.

7. Stand over to 25.11.2021.

(Pushpa V. Ganediwala, J.)

(M.S. Sonak, J.)