

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.756 OF 2020

UMESHKUMAR PREMNARAYAN CHAUVE)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA AND ANR.)...RESPONDENTS

Mr.Prakash Mishra, Advocate for the Petitioner.

Mr.R.M.Pethe, APP for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 13th FEBRUARY 2020

P.C. :

1 Heard the learned counsel for the petitioner/convicted accused. In his submission, as uncle of the petitioner/convicted accused is ill, he had been to native place and therefore, he could not comply the order of deposit of 20% of the amount, as directed by the order dated 1st December 2018 passed by the learned Additional Sessions Judge. He submits that extension of time was

sought from the learned Additional Sessions Judge but the same came to be rejected by the impugned order and that is how non-bailable warrant is standing against the petitioner/convicted accused.

2 I have considered the submissions so advanced and perused the order dated 1st December 2018 passed by the learned Additional Sessions Judge suspending the sentence imposed on the petitioner/convicted accused by the learned Judicial Magistrate First Class, Court No.6, Vashi. The learned Additional Sessions Judge had directed the petitioner/convicted accused to deposit the amount of Rs.9 lakh, as the compensation awarded was Rs.25 lakh. The petitioner/convicted accused challenged that order by filing Criminal Writ Petition bearing No.3821 of 2019. The same came to be dismissed by this court vide order dated 5th November 2019 (Coram : Smt.Revati Mohite-Dere, J.) by observing that no infirmity can be found in the said order directing the petitioner/convicted accused to deposit Rs.9 lakh. While disposing off the said writ petition, this court by order

dated 5th November 2019, extended the period for depositing the amount of Rs.9 lakh by six weeks.

3 As the order of this court is not complied, non-bailable warrant came to be issued against the petitioner/convicted accused. The petitioner/convicted accused applied for cancellation of non-bailable warrant by moving an application Exhibit 26. The said application came to be rejected by the impugned order. The petitioner/convicted accused has not complied with the condition of deposit of amount, which is confirmed by this court in Writ Petition No.3821 of 2019.

4 In this view of the matter, no infirmity can be found in the impugned order dated 25th January 2020.

5 The petition, therefore, fails and the same is rejected.

(A. M. BADAR, J.)

Arti V.
Khatate

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