

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CRIMINAL APPLICATION NO.838 OF 2021
IN WP/1592/2015

PARIGABAI W/O ASHOK KAKDE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr.S.A. Gaikwad h/f Mr.A.B. Gaikwad, Advocate
for the applicants.

Mr.R.V. Dasalkar, APP for respondent no.1.

Mr.A.M. Gaikwad, advocate for respondent
nos.2 to 4.

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CORAM : RAVINDRA V.GHUGE
AND
B.U.DEBADWAR,JJ.

DATE : 8th APRIL, 2021

PER COURT :-

1. The applicants have put-forth prayer
clause "B" as under :-

*"B. The amount of Rs.4,000,00/- (Four
Lacks) deposited by the respondent
no.2 and 3 may kindly be disbursed in
favour of the applicants."*

2. We have gone through the judgment
dated 22nd January, 2021, delivered in
Criminal Writ Petition No.1592/2015, to which
one of us (Hon'ble Shri Justice B.U.

Debadwar) is a party. We have also perused the affidavit filed by the widow Parigabai Ashok Kakde, who is 58 years of age. The father of the deceased Bhagaji Kakde passed away in 1960 and the mother of the deceased Anjabai Kakde passed away on 25.05.2005. We have also perused the affidavits of the two sons of deceased, namely Dattu and Gokul, who are agriculturists. They are cultivating the portion of the land held by deceased Ashok and both of them are taking care of the widow Parigabai.

3. After considering the above aspects, we have applied our mind to the situation and the living conditions of the widow Parigabai. She is dependent upon the two sons. Both the sons are agriculturists. We are informed that both the sons are looking after the well being of Parigabai. Both the sons have graciously consented that they do not desire any portion of the amount.

4. As such, we are of the considered view that the interest of Parigabai, as long as she is alive, needs to be secured. If cash amounts are handed over to her, it is a matter of speculation, as to whether the said

amount would be used for a good cause and especially for the well being of Parigabai, as she is dependent upon her two sons.

5. Considering the above, this application is allowed with the following directions :-

(a) An amount of Rs.50,000/- can be withdrawn by Parigabai.

(b) The amount of Rs.3,50,000/- shall be deposited in a Nationalized bank in the account of Parigabai Ashok Kakde, at Taluka Vaijapur. If any nationalized bank is not available at Vaijapur, the said amount shall be deposited in her name by opening a new account in a Nationalized bank at Aurangabad.

(c) The said amount of Rs.3,50,000/- shall be invested in a fixed deposit receipt, for an initial period of seven years and Parigabai would be at liberty to withdraw interest on quarterly basis, so that she can utilize the interest amount on quarterly basis for her well being and for a purpose as she may deem appropriate.

(d) After seven years, the said amount would be further invested for a similar term and on the same conditions.

(e) In the event of any emergency or a situation, which is beyond the control of Parigabai and her two sons Dattu and Gokul, we grant liberty to Parigabai to approach this Court for modification of any of the above directions.

(B.U.DEBADWAR,J.)

(RAVINDRA V. GHUGE,J.)

SGA