

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 121 OF 2020

Mohammad Rafique Farid Shaikh. ... Appellant.
V/s.
The State of Maharashtra and another. ... Respondents.

Mr.Rakesh D. Kumar with C.S.Lamba, A.Giri and Aslam Shaikh
i/b. B.M.Shaikh for the Appellant.
Mr.K.V.Saste, APP for the Respondent- State.

CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.

DATE : 22 December 2021.

P.C. :

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After having argued for sometime, the learned counsel for the Appellant states that the Appellant will deposit an amount of Rs.16.50 lakh (rupees sixteen lakh and fifty thousand) as per the impugned order. He, however, states that imposition of interest, in the circumstances, is harsh and the same may be waived.

2. As regards the interest, no arguments were advanced before the Special Court and, therefore, we do not have the benefit of the opinion of the learned Special Judge as to in what circumstances

the interest came to be imposed and how it is warranted.

3. Accordingly, we dispose of the appeal directing that if the Appellant deposits Rs.16.50 lakh or furnishes bank guarantee in lieu thereof within a period of eight weeks from today, the learned Special Judge will consider the request of the Appellant as regards the interest and deal with the same as per law. On the aspect of interest, we permit the Appellant to file a fresh application before the learned Special Judge to be decided as above. Rest of the issues in the appeal stand closed. Appeal is disposed of accordingly.

4. In view of disposal of appeal, interim application does not survive and stands disposed of accordingly.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)