

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

Criminal Application (APPW) No.145 of 2021

In

Criminal Writ Petition No.303 of 1999

Shamsingh S/o Rajaram Yadav (U.T. No.6076),
Central Prison, Nagpur,
Presently out of jail, but address not known.

Versus

State of Maharashtra

Applicant : Gayatri D/o Rajesh Yadav @ Gayatri W/o Kedar Garud

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or
Judge's orders
and Registrar's order

Ms Radha Mishra, Advocate (Appointed) for Applicant.
Shri T.A. Mirza, APP for Non-Applicant – State.

**CORAM : V.M. DESHPANDE &
AMIT B. BORKAR, JJ.**

DATE : 30th SEPTEMBER, 2021

1. By this application, the applicant Gayatri is seeking permission to withdraw the amount of compensation of Rs.75,000/- granted by this Court by the judgment dated 4-4-2001 passed in Criminal Writ Petition No.303 of 1991.

2. We have heard the learned counsel for the applicant- Gayatri and the learned APP for the non-applicant – State. The learned APP has invited our attention to Paragraph Nos.20 and 21 of the judgment of this Court dated 4-4-2001.

Paragraph No.21 of the said judgment requires the amount deposited by the State of Maharashtra, as quantified in Paragraph No.20, to be invested in fixed deposit and it is only after the applicant Gayatri attaining the age of majority, she will be held entitled to the said amount. Whether the applicant Gayatri has attained the majority or not, is required to be adjudicated by the learned District and Sessions Judge, Nagpur.

3. We, therefore, permit the applicant Gayatri to file appropriate application before the learned District and Sessions Judge, Nagpur, for withdrawal of the amount, as deposited by the State of Maharashtra, as per Paragraph No.20 of the Judgment dated 4-4-2001 in Criminal Writ Petition No.303 of 1999 and directed to be paid to the applicant as per Paragraph No.21 of the said Judgment. The District and Sessions Judge, on being satisfied about the identity of the minor daughter Gayatri and after being satisfied about the fact that she has attained the majority, shall pass appropriate order to permit the said Gayatri to withdraw the amount of compensation deposited by the State of Maharashtra as per Paragraph No.20 of the said Judgment.

4. With the above observations, the criminal application stands disposed of with permission to the applicant to file appropriate application before the District and Sessions Judge, Nagpur.

(AMIT B. BORKAR, J.)

(V.M. DESHPANDE, J.)