

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

CRIMINAL REVISION NO.20/2022

Arun s/o Prabhakar Rao Navghare

...Versus...

Malti wd/o Pundlik Rao Mulley

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

Court's or Judge's orders

Shri I.G. Meshram, Advocate for applicant

CORAM : AVINASH G. GHAROTE, J.

DATE : 02/02/2022

1. Hearing was conducted through Video Conferencing and the learned Counsel agreed that the audio and visual quality was proper.
2. Shri Meshram, learned Counsel for the applicant, on instructions, submits that the amount of Rs.1,20,000/- out of compensation, was already deposited, before the Sessions Court, the copy of which receipt is at page 60. He further submits that the balance compensation amount of Rs.4,30,000/- shall be deposited within a period of ten days from today.
3. Shri Meshram, learned Counsel for the applicant submits that there is discordance in the contention of the complainant itself regarding the mode of payment of amount to the applicant, for the repayment of which, the cheque is

claimed to have been issued. By inviting my attention to para 18 of the judgment of the learned Magistrate, he submits that it has been accepted by the learned Magistrate, that though the complainant had claimed that the cheque was given of Rs.2,70,000/-, the pass-book at Exh.23 shows that the amount of Rs.2,70,000/- was withdrawn as cash and not by cheque and therefore, the basic theory of having paid an amount of Rs.2,70,000/- by cheque to the applicant, does not stand scrutiny of law, which position, in his submission has not been appreciated by the learned Sessions Court.

4. Issue notice to the respondent, returnable in two weeks.

CRIMINAL APPLICATION (APPR) NO.15/2022

1. This criminal application seeks suspension of sentence, as imposed by the learned magistrate.
2. Considering the argument advanced by the learned Counsel for the applicant, the sentence shall stand suspended, subject to the applicant depositing the amount of Rs.4,30,000/- in this Court, within ten days from today.
3. The Criminal application is disposed of.

(AVINASH G. GHAROTE, J.)