

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 3222 OF 2023

Prashant s/o. Chhaganrao Gadekar
versus
The State of Maharashtra and others.

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Mr. Pande Balraj Prakash, Advocate for applicant
Mr. K.S. Patil, APP for respondent No.1
Mr. Rahul R. Karpe, Advocate for respondent No.2

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 29th AUGUST, 2023

ORDER :-

Not on board. Taken on board.

2. The applicant has been convicted for offence punishable under Section 138 of the N.I. Act. His appeal was dismissed, so also, the criminal revision application is dismissed by this court vide order dated 8th August, 2023. Since the applicant was not present before the court at the time of pronouncement of judgment in criminal revision, the court issued directions in clause No.(vii) of the operative order, which reads thus :-

“(vii) The accused shall surrender before the trial Court for undergoing the sentence imposed upon him by the learned Additional Sessions Judge in Criminal appeal No. 37 of 2019, on or before 30.8.2023.”

2. At this stage, the present application is filed with a prayer to extend the time to surrender on the ground that wife of the applicant is in critical condition and admitted at Kamal Nayan Bajaj Hospital, Aurangabad. Further, the newly born baby is admitted at the same hospital in NICU. Therefore, a prayer is made to extend the time to surrender.

3. Learned counsel for the respondent opposes the payer and submits that atleast the applicant be directed to deposit the compensation amount.

4. Having considered the submissions advanced and on perusal of the documents annexed alongwith application, it is apparent that the wife of the applicant is admitted in ICU at Kamal Nayan Bajaj Hospital and her newly born baby is under medical supervision at the same hospital in NICU. It is submitted that there is none other than the applicant to look after the patients. Considering the documentary evidence placed in support of the contentions advanced on behalf of the applicant, a case is made out to grant extension to surrender. Hence, the following order.

5. **ORDER**

[i] The application is allowed.

[ii] Time to surrender before the trial court as per clause No.7 of the order dated 8.8.2023 passed by this Court in Criminal Revision Application No. 179 of 2022 is extended by four weeks. As such, the applicant shall surrender before the trial court for undergoing the sentence imposed upon him by the Additional Sessions Judge-6 in

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Criminal Appeal No. 37 of 2019 on or before 26.9.2023.

[iii] The application is disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-