

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

**CRIMINAL APPLICATION NO.3911 OF 2022
IN BA/952/2018**

**KOMAL W/O. SHANKAR KAMBLE AND ANR
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicants : Mr. Wasif Salim Shaikh h/f Mr. Narwadkar
Mrigesh D.

APP for Respondent/State : Mr. S.P. Sonpawale

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CORAM : S.G. MEHARE, J.

DATED : APRIL 21, 2023

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The Court by order dated 30.08.2018 directed the applicants to deposit Rs.4,32,745/- with the trial Court. However, the applicants have deposited Rs.1 lac only with this Court and the remaining amount was not deposited. The failure to deposit the remaining amount was not brought to the notice of either of the Courts. However, the applicants have been acquitted. Hence, the applicants claim that the amount of Rs.1 lac lying with this Court may be allowed to be withdrawn.
3. Learned APP opposed the application. He would submit that the applicants must be penalized for their dishonest conduct, depositing the only part amount and keeping the Court in dark.

4. The applicants have been acquitted. However, there appears substance in the submission of the learned APP that they hide the fact from the Court of non obeying the Court orders. Hence, some penalty may be imposed upon the applicants. In view of the above, the following order is passed :

ORDER

- (i) Criminal Application is allowed.
- (ii) Registry is directed to return Rs.90,000/- to the applicants with interest, if any, and Rs.10,000/- with proportionate interest, if any, be paid to the Advocate Association's Bar Library, High Court of Bombay, Bench at Aurangabad.

(S.G. MEHARE, J.)