

Vinita

**IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO. 40 OF 2023.**

RAKESH SINGH ... Petitioner.
VS
ANIL MADANMOHAN GULATI AND ANR. ...Respondents.

Mr. S. Saudagar, Advocate for the petitioner.
Ms. N. Valvoikar, Advocate for respondent no.1.
Mr. G. Nagvenkar, Addl. Public Prosecutor for respondent no.2.

CORAM: M. S. KARNIK, J

DATED: 30th June 2023

ORAL ORDER.

1. One of the reasons for the challenge to the impugned order is that while exercising the discretion directing the petitioner to deposit 20% of the amount, no reasons have been assigned by the learned Trial Judge.
2. The learned counsel for the petitioner relied upon the decision of this Court in the case of *Ashwin Ashokrao Karokar Vs Laxmikant Govind Joshi, (2023) 1 Mah LJ 147*.
3. The learned counsel for the petitioner on instructions submitted that the petitioner is willing to deposit 10% of the amount without prejudice to his rights and contentions.

4. Learned counsel for the respondents fairly submitted that the respondents are agreeable to the matter being remanded back to the trial Court in view of such a stand regarding deposit.
5. The amount of 10% to be deposited within a period of four weeks from today with the trial Court.
6. Such deposit shall abide by the orders that may be passed by the trial Court on the application at Exh. D-23.
7. The impugned order is set aside. The trial Court is requested to hear the application at Exh. D-23 afresh and in accordance with law.
8. Petition stands disposed of accordingly.

M. S. KARNIK J.

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