

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

INTERIM APPLICATION NO.2841 OF 2023

IN

CRIMINAL REVISION APPLICATION NO.302 OF 2022

Ritesh Rajendra Shinde

..Applicant

Versus

Khalid Ismail Hatodkar & Anr

...Respondents

Mr. Bipin Kumar Darad, Advocate, for Applicant in
REVN/302/2023.

Mr. Mohit Dalvi a/w Mohan Devkule, i/b Rakesh Bhatkar,
Advocate, for Applicant in IA/2841/2023.

Ms. M.R. Tidke, APP, for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 17th AUGUST 2023

PC :

1. This Application is preferred by the original Respondent No.2 in the Criminal Revision Application No.302 of 2022. The Applicant is the original Complainant. The Revision Applicant- Khalid Hatodkar was convicted under Section 138 of Negotiable Instruments Act, 1881 by the learned Judicial Magistrate First Class, Ratnagiri. His Appeal was dismissed by the Sessions Court. After that, he has preferred the Criminal Revision Application. He has also preferred Interim Application No.2523 of 2022 in

Criminal Revision Application No.302 of 2022. Vide order dated 1st August 2022 this Court (Coram: Prakash D. Naik, J.) had suspended the sentence imposed on the Revision Applicant and he was directed to be released on bail on his executing PR. Bond of sum of Rs.15,000/- with one or two sureties in the like amount. He was also directed to furnish cash bail in the sum of Rs.15,000/- and the matter was adjourned to 5th September 2022. The said order dated 1st August 2022 records the statement of the learned Counsel for the Revision Applicant that the he had parted with an amount of Rs.30,000/- to the Complainant and that he would deposit the amount of Rs.50,000/- within a period of one week from the date of uploading of the said order dated 1st August 2022 and he would deposit the balance amount within a period of four months from 1st August 2022. The said statement was accepted as undertaking to this Court.

2. Learned Counsel for the Applicant in the present Application i.e., the original Complainant stated that the Revision Applicant- Khalid Hatodkar has not honoured his commitment. He has neither deposited Rs.50,000/- nor the balance amount. More

than one year has passed.

3. Learned Counsel for the original Revision Applicant-Khalid Hatodkar does not have instructions at all. He submitted that his client is not in touch with him and is not giving any instructions, therefore, he has no submissions to make.

4. Considering this situation, the following order is passed:

O R D E R

- i) The order dated 1st August 2022 of suspension of sentence and releasing the Revision Applicant on bail is recalled.
- ii) The trial Court is directed to take steps to secure the presence of the original Revision Applicant-Khalid Hatodkar.
- iii) The Interim Application is disposed of.
- iv) The Revision Application be listed on board for further consideration on 19th October 2023.

(SARANG V. KOTWAL, J.)