

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

CRIMINAL APPLICATION (APL) NO. 40 OF 2023

APPLICANT : Mr. Vivek Baburao Sahare, Aged about 40 years, Occupation – Business, R/o. C/o. Rahul Lok Vikas Mandal/ Yashodhara Vidyalaya and Junior College at Post Chamorshi, Tah. Chamorshi, District – Gadchiroli.

//VERSUS//

NON-APPLICANT : Sau. Nitatai Babanrao Ainchwar, Aged about 68 years, Occupation – Business, R/o. Ward No.2, Chamorshi, Tah. Chamorshi, District – Gadchiroli.

Mr. Kanak Y. Mandpe, Advocate for the Applicant.

Ms. Tejal A. Agre, Advocate for the Non-applicant.

CORAM : G. A. SANAP, J.

DATED : 24th JULY, 2023.

ORAL JUDGMENT

Heard.

02] **Admit.** The application is heard finally with the consent of the learned advocates for the parties. Perused the record and proceedings.

03] In this criminal application, challenge is to the order dated 16th December, 2022, passed by learned Additional Sessions Judge, Gadchiroli, whereby the revision filed by the applicant/accused challenging the order dated 18th April, 2022 passed below Exh.26 in Summary Criminal Case No.94/2019 was dismissed. Learned Judicial Magistrate First Class, Chamorshi, District Gadchiroli *vide* order dated 18th April, 2022 was pleased to direct the applicant/accused to deposit 20% of the amount of cheque within 60 days.

04] It is seen that the challenge has been raised to this order on multiple grounds. On going through the record and proceedings, I am satisfied that the Courts below have not committed any mistake. The amount of cheque was Rs.10,00,000/- (rupees ten lakhs only). Learned Additional Sessions Judge agreed with the reasons recorded by learned Magistrate while granting the application at Exh.26.

05] On going through the record, when this Court expressed an opinion that there is no substance in this application, learned advocate for the applicant submitted that the Court may dispose of the matter with request to learned Magistrate to dispose

of the criminal complaint within three months from today and grant liberty to the applicant/accused to deposit an amount of Rs.80,000/- (rupees eighty thousand only) within two months. In my view, this submission is fair and reasonable. On merits, there is no substance in the application. The application is accordingly **dismissed.**

06] Two months' time is granted to the applicant/accused to deposit remaining amount of Rs.80,000/- (rupees eighty thousand only) in terms of order dated 18th April, 2022 in the Court of learned Magistrate.

07] Learned Magistrate is requested to dispose of the criminal complaint within three months from today.

(G. A. SANAP, J.)

Vijay