



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (APPR) No. 315 of 2023

in

Criminal Revision Application No. 37 of 2015

[Shivdas s/o Manohar Kene and ors. **..vs..** State of Maharashtra through P.S.O., P.S. Civil Lines, Akola
and anr.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. P. Ladekar, Advocate for the applicants
Mr. A. R. Chutake, APP for the State/non-applicant no. 1

CORAM : ANIL L. PANSARE J.

DATED : 26-9-2023

On previous date, following order was passed.

“The prayer for extension of time to deposit the amount of compensation awarded by this Court by judgment and order dated 11-4-2023 in Criminal Revision Application No. 37/2015 has been sought on the ground that the applicants were unaware about the passing of judgment by this Court and when they received information, the time to deposit amount has already expired.

The applicants have not disclosed as to exact date when they received information as regards passing of judgment under question. They have further not disclosed the source of the information. It is further not clear as to why the Advocate, who appeared for the applicants, has not informed the applicants of the judgment and order passed by this Court by which the substantive sentence of three months of rigorous imprisonment has been set aside and was substituted by an order of compensation of Rs. 20,000/- to be paid by the applicants herein, who were original accused nos. 1 and 4. They

were directed to pay compensation within one month, else to suffer simple imprisonment for one month.

The applicants shall file affidavit disclosing the above material particulars.

Learned Additional Public Prosecutor shall take instructions from the Investigating Officer as to why the applicants were not arrested despite their failure to deposit the amount of compensation as directed by this Court.

Stand over to 25-9-2023.”

2. Learned counsel for the applicants submits that the affidavit in compliance to the above order has been filed. According to the applicants, they came to know about the judgment passed by this Court through Advocate Shri Shende on 16-8-2023. Except for this, there is nothing in the affidavit. The applicants have not stated as to what attempt was made by them to contact the Advocate Sandeep Chopde, who appeared on their behalf before this Court and to ascertain as to why the information was not passed on to them by concerned Advocate. Further the statement of Advocate Shri Shende as to how did he come to know about the judgment is also absent. Learned counsel for the applicants submits that the brief was handed over to Advocate Shri Sandeep Chopde through Advocate Shri Shende.

3. This appears to me to be half hearted attempt to justify the delay. Though I am not satisfied with the conduct and explanation put forth by the applicants to explain the delay to deposit the amount of

compensation, but in the interest of justice, the delay needs to be condoned subject to costs of Rs, 20,000/- each to be paid by the applicants in addition to the amount of compensation awarded by this Court in the judgment and order dated 11-4-2023. Order accordingly. Thus, the applicants shall deposit Rs. 40,000/- each.

4. Learned counsel for the applicants, on instructions, states that the applicants shall deposit amount of Rs. 40,000/- each on or before 10-10-2023.

5. If the order is not complied with, the applicants shall surrender themselves before the Police Station Officer, Police Station, Civil Lines, Akola on 11-10-2023. If the applicants do not surrender on 11-10-2023, the Police Station Officer, Police Station, Civil Lines, Akola shall, treating this order as warrant of arrest, proceed to arrest the applicants and to produce them before the jurisdictional Court for undergoing default sentence awarded by this Court vide judgment and order dated 11-4-2023 passed in Criminal Revision Application No. 37/2015.

6. The learned counsel for the applicants and learned Additional Public Prosecutor shall communicate this order to the respective parties.

(Anil L. Pansare, J.)