

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 1599 OF 2024
IN REVN/106/2024

Ajay Ramchandra Kagde

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. M.R. Khutwad h/f Mr. Machave Sandeep
Subhash

APP for Respondent/State : Mr. G.O Wattamvar

WITH

CRIMINAL REVISION APPLICATION NO. 106 OF 2024

...

CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 25, 2024

PER COURT:-

1. Heard learned counsel for the applicant and respondent no.2.
2. The respondent no.2 is a senior citizen. She is coming to the Court again and again and complaining against the lawyer she has engaged. Therefore, her counsel was called. He made a statement before the Court that he had already returned the brief to her son and gave no objection to appoint another lawyer. Respondent no.2 states that she has engaged another lawyer but he also ran away. Therefore, she was addressing the Court in person.
3. Considering her age, the counsel for the applicant was called. He submitted that as per order of this Court, the applicant had

already deposited Rs.50,000/- with the First Appellate Court. The respondent is insisting for directing the applicant to deposit the balance amount of cheque. Under the law, no such directions could be given. However, the Court did not stay the order of compensation, only the sentence has been suspended. In the circumstances, remedy is available to respondent no.2 to file appropriate proceeding for recovery of the compensation amount before the competent Court. However, she has given liberty to apply before the First Appellate Court for withdrawal of Rs.50,000/- which the applicant has deposited.

4. If an application as such is filed, the learned Additional Sessions Judge, Aurangabad to release the amount of Rs.50,000/- to the applicant on an undertaking that if the judgment is reversed, she would redeposit it with the Court within two months.

5. However, since respondent no.2 is a senior citizen, the matter be listed for final hearing at the admission stage out of turn.

6. Stand over to 22.10.2024.

7. After the above order was passed, the learned counsel holding for the learned counsel for the applicant came and stated that the amount of Rs.50,000/- has been deposited with this Court. Since, the respondent no.2 had left the Court, he was directed to intimate her. However, as usual he did not return. The Court was waiting for him and kept the uploading of the order in abeyance. However,

nobody for applicant appeared. Hence, the clause No. (4) of the above order is modified as under :

“4. The respondent no.2 is allowed to withdraw Rs.50,000/- (fifty thousand) deposited with this Court with interest, if any, with an undertaking to deposit the amount received with this Court within two months, if the impugned judgments and orders are reversed.”

(S.G. MEHARE, J.)