

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

**REVISION APPLICATION NO. 1 OF 2024
(SERIAL NO. 2)**

Samir Krushnat Dhumal

...Applicant

vs.

Vishal Yarn Agencies Through
Its Patner Rajiv N. Shah

...Respondent

Mr. Lokesh Zade i/by Mr. Paras Yadav	Advocate for the Applicant
Ms. Shraddha Jadhav i/by Mr. Aagam J. Doshi	Advocate for the Respondent No. 1
Mr. V. N. Sagare	APP for Respondent-State

**ALONGWITH
REVISION APPLICATION (ST) NO. 415 OF 2024
(SERIAL NO. 3)
WITH
INTERIM APPLICATION NO. 1306 OF 2024
WITH
INTERIM APPLICATION NO. 1307 OF 2024**

Samir Krushnat Dhumal

...Applicant

vs.

State of Maharashtra

...Respondent

Mr. Lokesh Zade	Advocate for the Applicant
Ms. Shraddha Jadhav i/by Mr. Aagam J. Doshi	Advocate for the Respondent No. 2

Mr. Y. Y. Dabke

APP for Respondent-State

CORAM : S. M. MODAK, J.

DATE : 10th MAY 2024P.C. :-

1. For the reasons recorded separately which are under typing, I pass the following Order :-

OPERATIVE ORDER

- (i) Both revision applications are allowed
- (ii) Order dated 21/08/2023 passed in Criminal Appeal Nos. 109 and 110 of 2022 by the Court of the Additional Judge, Ichalkaranji, Kolhapur is set aside.
- (iii) Appeals are restored subject to the following conditions:
 - (a) The Applicant is directed to deposit Rs. 1,51,455/- and 1,26,120/- being 20 % of (cheque amount Rs. 7,57,268/- and Rs. 6,30,597/-) within a period of eight weeks before the trial Magistrate.
 - (b) The Respondent is permitted to withdraw the amounts

subject to furnishing an undertaking that he will return the amount if directed by the Appellate Court.

(iii) The Applicant to pray for suspension of the sentence and furnishing of the bail before the Appellate Court.

(iv) It is made clear that this Court has already decided the contention about deposit of the amount and the Appellate Court may pass necessary order about furnishing the surety.

(v) Both the Parties are directed to appear before the Appellate Court on 18/06/2024.

2. Both revision applications are disposed of.

3. Accordingly, interim application, if any, stands disposed of.

[S. M. MODAK, J.]