



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

**REVISION APPLICATION NO. 37 OF 2024
ALONGWITH
INTERIM APPLICATION NO. 216 OF 2024**

Sadika Murad Ali Shaha

...Applicant

vs.

Sabira Nizam Solkar and Anr.

...Respondents

Adv. Mohan N. Devkule a/w Adv. Mohit P. Dalvi h/f Adv. Rakesh Bhatkar	Advocate for the Applicant
Vijay H. Kantharia a/w Shubhada S. Salvi	Advocate for the Respondent No. 1
Ms. S. E. Phad	APP for Respondent-State

CORAM : S. M. MODAK, J.

DATE : 19th AUGUST 2024

P. C. :-

1. Today arguing counsel Shri Bhatkar is not available. Heard learned Advocate Shri Kantharia for the Respondent No. 1-Complainant.
2. Read the Order dated 22/07/2024. Today he clarified that an

amount of Rs. 1,34,000/- is not withdrawn by his client from the Appellate Court (read para no. 5(i) of the said order).

3. The Respondent No. 1-Complainant is permitted to withdraw an amount of Rs. 1,34,000/- alongwith interest, if any, from the Appellate Court on furnishing an undertaking to return the amount if directed by this Court.

4. According to the trial Court an amount of fine is Rs. 6,70,000/- and out of that Rs. 6,55,910/- is to be paid to the Complainant. Whereas remaining amount is to be appropriated to the State, at page no. 142

5. In respect of contentions raised on the last date, he made the following submissions on question of law:-

(i) There can be sentence of fine for more than Rs. 5,000/- and he relied upon the observations in case of *R. Vijayan Vs. Baby and Anr.*¹ and more specifically para no. 13.

(ii) In respect of grievance for conducting the case as the summons case without passing an order, he relied upon the observations in case of *J. V. Baharuni and Anr. Vs. State of Gujarat and Anr.*²,

1 (2012) 1 SCC 260

2 (2014) 10 SCC 494

and more specifically para no. 43.

6. Copies of the judgments are given to the other side.
7. Let the Applicant-accused to clarify, whether remaining amount is deposited or not and if it is not deposited, let that amount be deposited before the trial Court within four weeks.
8. Stand over to **23rd September 2024, high on board.**

[S. M. MODAK, J.]