

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.354 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.360 OF 2016
WITH
CRIMINAL APPLICATION NO.353 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.360 OF 2016
WITH
INTERIM APPLICATION NO.2779 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.360 OF 2016
WITH
INTERIM APPLICATION NO.123 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.360 OF 2016

Subhash Bhikaji Kulkarni .. Applicant

v/s.

The Nashik Road Deolali Vyapari

Sahakari Bank Ltd. And Anr. .. Respondents

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Mr. Kayval P. Shah, for Applicant in Revision and all Applications.

Ms. Shraddha Sawant, for Respondent No.1 in all matters.

Mr. Arfan Sait, APP, for State/Respondent.

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CORAM: PRAKASH D. NAIK, J.

DATE : 25th JANUARY, 2024.

P.C:-

1. The applications were listed before this Court on 8th November, 2023. The order dated 8th November, 2023 indicates that the Counsel for the Applicant sought time to take instructions as to whether the Applicant would deposit the balance amount of 50% on or before the next date. The interim relief was continued. However, it was observed that if the balance amount is not deposited, the interim relief shall stand vacated automatically without further reference to the Court.
2. Learned Advocate for the Applicant submits that the earlier order of depositing Rs.10,50,000/- has been complied by the Applicant.
3. The order dated 8th November, 2023 indicates that the time was granted to take instructions whether the further amount can be deposited. However, clause (4) of the said order is conditional, as a result of which, the interim order has been vacated.
4. Learned Advocate for the Respondent submitted that in view of order dated 8th November, 2023, the Applicant was required to deposit the balance amount.
5. It is pertinent to note that the Applicant has complied the

earlier order. The Applicant was initially acquitted by the trial court. The order of acquittal has been reversed by the appellate court. The revision challenging the order of the appellate court is admitted.

6. Considering the circumstances, the following order is passed:

ORDER

- (i) Criminal Application Nos.353 and 354 of 2016 are allowed.
- (ii) During the pendency of Revision Application No.360 of 2016, the substantive sentence of imprisonment imposed vide judgment and order dated 14th June, 2016, passed by the Court of Sessions in Criminal Appeal No.73 of 2013 is suspended and the Applicant is directed to be released on bail on executing a P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one or more sureties in the like amount, till the final disposal of the revision application.
- (iii) The Applicant is permitted to furnish cash bail in the sum of Rs.20,000/- for a period of six weeks in lieu of surety.
- (iv) The Applicant shall attend the concerned Police Station once in three months on first Saturday of the month between 11.00 a.m. to 1.00 p.m.

- (v) All criminal applications and interim applications stand disposed off.

(PRAKASH D. NAIK, J.)