



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 663 OF 2024

PUSHPA BHAUSAHEB SURASE

VERSUS

ADIL AHEMAD JAMIL AHEMAD AND OTHERS

...

Shri Jahagirdar Virendra V., Advocate for the Petitioner.

Shri Y.M. Khan, Advocate for Respondent No.1.

Shri Tungar Nikhilesh K., Advocate for Respondent No.3.

...

AND

CRIMINAL WRIT PETITION NO. 397 OF 2024

MAHESH BHAUSAHEB SURASE

VERSUS

ADIL AHEMAD JAMIL AHEMAD

...

Shri Tungar Nikhilesh K., Advocate for the Petitioner.

Shri Y.M. Khan, Advocate for Respondent No.1.

Shri Jahagirdar Virendra V., Advocate for Respondent No.3.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 30 September, 2025

P. C. :-

1. Heard learned advocates appearing for the parties.
2. Since the interlocutory orders impugned in these petitions arise from same Criminal Appeal No.40/2022 pending on the file of learned Additional Sessions Judge, Aurangabad, and the parties are common, hence these two petitions are

decided by this common order.

3. In Writ Petition No.663/2024, the petitioner has challenged the order dated 13.02.2024 passed by learned Additional Sessions Judge, Aurangabad, in applications below exhibits 48 and 50 in Criminal Appeal No.40/2022. Whereas, in Writ Petition No.397/2024, the petitioner has challenged the order dated 22.01.2024 passed by same Judge in applications below exhibits 46 and 47.

4. The petitioners/ accused are convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881, by learned JMFC, Aurangabad, in SCC No.584/2016 vide judgment and order dated 18.02.2022 and are sentenced to suffer till rising of court and to pay compensation of Rs.55,21,250/-. Against this judgment and order of conviction, their Criminal Appeal No.40/2022 is pending before learned Additional Sessions Judge, Aurangabad. The Appellate Court suspended sentence on the condition of depositing 20% amount of compensation along with costs of Rs.10,000/-.

5. The petitioners did not deposit 20% amount and on contrary, filed applications exhibits 46 and 47 for exemption and

applications exhibits 48 and 50 for adducing additional evidence. However, the said applications came to be rejected by impugned orders and the appeal has been put up for dismissal for non compliance of the order under Section 148 of the Negotiable Instruments Act, 1881. Hence, these two petitions.

6. According to learned advocate for the petitioners, they have deposited Rs.7 lacs. However, due to certain financial crisis, they could not deposit 20% of compensation amount of Rs.55,21,250/-. Learned advocate, on instructions from the petitioner in Writ Petition No.397/2024, who is present in person in the Court, states that he is facing financial crisis as regards depositing the entire amount. However, he requests that time of two months be granted to deposit the entire amount as directed by learned Additional Sessions Court.

7. Learned advocate appearing for the contesting respondent states that the petitions be entertained only on the condition of depositing the amount.

8. Considering the above submissions, the petitioners are directed to deposit the entire amount as directed by learned Additional Sessions Court within 45 days from today, before the

said Court. On depositing the amount as above, learned Additional Sessions Court is directed to decide the appeal within six months. The impugned orders are modified in the above terms.

9. At this stage, learned advocate for the petitioners urges that on depositing the amount as directed above, they may be permitted to lead additional evidence as prayed by them in applications Exhibit 48 and 50. The said permission is granted subject to depositing the amount as aforesaid.

10. The respondent/ complainant would be at liberty to withdraw the amount deposited by the petitioners.

11. Both the Writ Petitions are disposed of in the above terms.

kps

(SUSHIL M. GHODESWAR, J.)