



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3726 OF 2025
WITH CRIMINAL APPLICATION NO. 2374 OF 2025
IN CRIMINAL REVISION APPLICATION NO. 167 OF 2025

Kailas Ramchandra Aher

..APPLICANT

VERSUS

Suhas Anantrao Dashrathe

..RESPONDENT

....

Mr. A.K. Gawali, Advocate for the applicant in APPLN/3726/2025 and for the respondent in APPLN/2374/2025

Mr. A.M. Karad, Advocate a/w Mr. G.N. Kulkarni, Advocate for the respondent.

....

CORAM : ABHAY J. MANTRI, J.

DATE : 29th SEPTEMBER, 2025

PER COURT :

1. The Applicant-Original complainant has moved this application to recall the order dated 27th May, 2025, as the respondent-original accused has not complied with the same. In response to the same, learned counsel for the respondent/accused fairly submitted that the respondent has paid the initial two instalments, but thereafter he failed to pay the remaining amount as per the order of this Court. However, he submitted that the respondent/accused has also moved Criminal Application No. 2374 of 2025 to reschedule payment of the amount as directed by this Court vide order dated 27th May, 2025.

2. Heard learned counsel for both parties. Perused the order dated 27th May, 2025, as well as the impugned judgments and orders.

3. At the outset, it appears that in the year 2017, the original complainant filed a complaint before the learned Magistrate under Section 138 of the Negotiable

Instruments Act. The said complaint was allowed, and the accused was convicted. The learned Magistrate has also directed him to pay the compensation of Rs. 45 lakhs along with 9% interest from the date of filing of the complaint. Against the said order, the accused has preferred the appeal before the learned Sessions Court, which, by order dated 15th May, 2025, dismissed the appeal and the order passed by the learned Magistrate was modified to the extent of the substantive sentence. Being aggrieved by both orders, the accused has preferred the present revision application.

4. In the revision application, the accused has moved an application, no. 1787 of 2025 for suspension of sentence and releasing him on bail, which came to be allowed on 27th May, 2025. While passing the said order the learned counsel for the accused, on instructions of the wife of the accused, made a statement that the accused would deposit an amount of Rs.4 lakhs on or before 31st May, 2025 and ready to deposit balance amount of Rs.32 lakhs with this Court in eight equal installment of Rs.4 lakhs each i.e. before 15th and last day of every succeeding month i.e. on 15.06.2025, 30.06.2025, 15.07.2025, 31.07.2025, 15.08.2025, 31.08.2025, 15.09.2025 and 30.09.2025. As per the said undertaking, the accused has to deposit the entire amount by tomorrow, i.e. 30.09.2025. But it seems that the accused has deposited only two installments, i.e., the first installment on 29th May, 2025 and the second installment on 16th June, 2025. However, he failed to deposit the rest of the installments. In spite of depositing the same, he has moved Criminal Application No. 2374 of 2025 to reschedule the payment of the amount.

5. The aforesaid conduct of the accused itself indicates that, although he has given an undertaking to this Court on the instructions of his wife, the accused has failed to deposit the said installments. Since 2017, the matter has been pending,

and the learned Magistrate passed the order in 2022. But the accused, instead of complying with the said order, filed proceedings like an appeal and a revision application to prolong the payment of money to the complainant. The said conduct of the accused itself denotes that he is not willing to pay the said amount to the complainant as directed by the learned Magistrate as well as the first appellate Court. In such a situation, I do not find substance in the application moved by the accused for rescheduling the said installments. On the other hand, I find substance in the contention of the learned counsel for the complainant that, in view of the non-compliance of the order, the interim relief granted on 27th May 2025 has to be vacated.

6. Having considered the aforesaid facts and discussion, in my view to affording one more opportunity, the accused is directed to deposit the entire balance amount i.e. Rs.28 lakhs in this Court by 03rd November, 2025, failing which the interim relief granted by order dated 27th May, 2025 shall stand vacated and in such circumstances it will be appropriate to issue bailable warrant against the accused.

7. In view of the above, both the applications stand disposed of. List the revision application on 4th November, 2025. No further time will be granted on the next date.

(ABHAY J. MANTRI, J.)

SSD