



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3798 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 135 OF 2021

Devidas Ganpat Pagar

..APPLICANT

VERSUS

Bhagwan Krishnaji Sanap and Another

..RESPONDENTS

....

Mr. R.S. Deshmukkh, Senior Advocate i/b Mr. R.G. Dodiya, Advocate for the applicant

Mr. S.P. Rathod, Advocate for respondent no.1

Mr. R.K. Ingole, A.P.P. for respondent no.2 - State

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CORAM : ABHAY J. MANTRI, J.

DATE : 16th OCTOBER, 2025

PER COURT :

1. The applicant / accused filed this application to recall the order dated 27th July, 2022, passed in the criminal revision application, and to restore the order dated 14th October, 2021, as the applicant has complied with the said order.

2. Heard learned counsel for both parties. Perused the application and record.

3. At the outset, it appears that by order dated 14th October, 2021, this Court has suspended the substantive sentence awarded by the J.M.F.C., Aurangabad vide judgment and order dated 15th March, 2018, and confirmed

by the learned Additional Sessions Judge, vide judgment dated 28.09.2021 in Criminal Appeal No.69/18, till disposal of the revision application, subject to deposit of Rs. 12 lakh in this Court towards part compensation. However, the applicant failed to deposit the said amount within the stipulated time, and therefore, by order dated 27th July, 2022, the said suspension order was vacated and direction was given to the learned Magistrate to take proper recourse for execution of the sentence awarded by it. Pursuant to the said order, the learned Magistrate has initiated proceedings, and during the said proceedings, the applicant has deposited Rs. 18 lakhs before the learned District and Sessions Court. It also appears that the applicant has deposited Rs. 3 lakhs before the learned Additional Sessions Court during the pendency of the Criminal appeal, which the respondent has withdrawn. As such, it seems that the applicant has deposited a total amount of Rs. 21 lakhs before the District and Sessions Court; this fact is not disputed by the learned counsel for the respondent.

4. Learned counsel for the respondent orally urged for permitting him to withdraw Rs. 9 lakhs from the amount deposited by the applicant before the District and Sessions Court in the proceeding, M.C.A. No. 142 of 2024, for which learned Senior counsel for the applicant did not object, subject to the filing of an indemnity bond and surety bond before the learned District and Sessions Court and an undertaking in the form of affidavit before the Registrar (Judicial) of this Court, contending that '*in case the Revision*

Application is allowed in that eventuality he shall repay/refund the said amount to the applicant or redeposit in this Court.' As such, learned counsel for the respondent has not objected to the restoration of the order.

5. As a result, the application is allowed as prayed. The order dated 27th July 2022 passed in this criminal revision application is recalled, and the order dated 14th October 2021 stands restored.

6. The respondent is permitted to withdraw Rs. 9,00,000/- (Rupees Nine Lakhs) out of the amount deposited by the applicant before the learned District and Sessions Court in M.C.A. No. 142 of 2024, subject to the filing of an “*indemnity bond and a surety bond*” before the learned District and Sessions Court and an undertaking in the form of an affidavit before the Registrar (Judicial) of this Court on or before 10th November, 2025.

7. Needless to clarify that submitting an undertaking in the form of an affidavit before the Registrar (Judicial) and the indemnity bond and surety bond executed before the learned District and Sessions Court, only the applicant is entitled to withdraw the said amount. As such, the criminal application is disposed of.

8. List the revision application on 11th December, 2025.

(ABHAY J. MANTRI, J.)

SSD