



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 CRIMINAL WRIT PETITION NO. 1468 OF 2025

ABBEE CONSUMABLE PERIPHERALS SHOPEE LTD AND ANOTHER
VERSUS
VIRENDRA ALIAS VIRENDRASINGH UTTAMSINGH PAWAR

...
Mr. Sohail Subhedar h/f. Mr. Nilesh S. Ghanekar – Advocate for
Petitioners

...
CORAM : SACHIN S. DESHMUKH, J.
DATE : 17.10.2025

PER COURT :

1. The petitioners were tried for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in S.C.C. No.7607 of 2016 which ended into conviction of the petitioners on 10.05.2023.
2. Raising exception to the same, the appeal is presented by the petitioners herein challenging the legality and correctness of the order of compensation in Criminal Appeal No.20 of 2024, which is pending before the learned Additional Sessions Judge, Aurangabad, wherein the sentence was suspended until further orders with direction to deposit 20% of compensation amount within a period of one (1) month from the date of said order.
3. The order of deposit of 20% was subject matter of challenge in Criminal Writ Petition No.172 of 2025 which came to be disposed of by

this Court vide order dated 24.02.2025. Further challenge was raised by the petitioners by presenting Special Leave to Appeal (Crl.) No.7718 of 2025 before the Hon'ble Apex Court which is dismissed vide order dated 24.07.2025.

4. It is thereafter the petitioners have presented the application seeking order of suspension of execution of sentence passed in S.C.C. No.7607 of 2016. However, the Additional Sessions Judge, Aurangabad vide order dated 03.09.2025 vacated the order of suspension of execution of sentence and also personal bond as well as cash security deposited by the petitioners came to be forfeited with further direction to the Trial Court to take necessary steps for execution of sentence of conviction rendered in S.C.C. No.7607 of 2016.

5. The petitioners, thereafter, presented an application seeking bail in Criminal Appeal No.20/2024 submitting that the petitioner No.2 is suffering from various serious ailments. It is in the aforesaid backdrop the request was made before the learned Additional Sessions Judge, Aurangabad by presenting the application below Exh. 19 to suspend the sentence and petitioner No.2 may kindly be enlarged on bail with further prayer for cancellation of conviction warrant. The learned Additional Sessions Judge, has rejected the request of the petitioner to extend the relief allowing to deposit the lessor amount than 20% of the compensation.

6. As such, the petitioners have approached this Court under Article 226 and 227 of the Constitution of India.

7. Admittedly, the challenge of the petitioners to deposit 20% of the compensation amount has attained finality by virtue of order of this Court and eventually by the Hon'ble Apex Court. However, considering the peculiar facts and circumstances mentioned hereinabove the petitioner No.2 is suffering from various serious ailments. Such as the chronic kidney diseases. Therefore, is required to undergo dialysis thrice in a week and further contended that the functionality of heart is reduced to 30% only.

8. The petitioners have now shown willingness and *bona fides* to comply with the stipulation of 20% amount of compensation in part by depositing the same today through demand draft of Rs.2,00,000/- (rupees Two Lakhs only) with this Court. Furthermore, the petitioner No.2 is willing to deposit balance amount, however, in three equal installments of Rs.1,00,000/- (rupees One Lakh only) each in the first week of every calender month and necessary undertaking to that effect.

9. In the light of the aforesaid peculiar facts and circumstances, this Court is of the considered view that the discretion deserves to be exercised in favour of the petitioners. As such, the case is made out for grant of interim relief.

10. Accordingly, there shall be *ad-interim* relief in terms of prayer clause 'C'.

11. It is made clear that in the event the petitioners does not comply with the undertaking, the *interim* relief shall stand vacated without further reference to the Court.

12. In view of the above, issue notice returnable on 14.11.2025.

[SACHIN S. DESHMUKH]
JUDGE

Pooja Kale/