

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 942 OF 2024

Jeetendra Thomara Pujary ...Applicant
Versus
State of Maharashtra and Anr. ...Respondents

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH SUBHASH
KULKARNI
Date: 2025.10.06
18:10:05 +0530

Mr. R. Sathyanarayanan, for the Applicant.
Mr. P. P. Malshe, APP for the State.
Mr. Nikhil Waghmare, i/b M/s. Pirani & Co., for the
Respondent.

CORAM: N. J. JAMADAR, J.
DATED: 26th SEPTEMBER, 2025

Oral Order:-

1. Heard the learned Counsels for the parties.
2. This application has been preferred seeking permission to deposit the balance amount of Rs.18,00,000/- as per the order dated 13th October, 2022 passed by the learned Additional Sessions Judge in Criminal Appeal No.555 of 2022, whereby the appellant was directed to deposit 25% of the amount ordered to be paid by the learned Magistrate, as a condition for the suspension of sentence. Consequently, the directions by this Court that, the applicant be taken in custody be set aside and the conviction warrant issued by the learned Magistrate be cancelled.

3. The applicant has deposited the said amount of Rs.18,00,000/- and a further amount of Rs.2,50,000/-. The net effect is that, the order of deposit of 25% of the amount directed to be paid by the learned Magistrate, has been complied with.

4. In the intervening period, the applicant had filed an affidavit undertaking to pay the balance amount of Rs.25,00,000/-, to make up the total amount of Rs.55,00,000/-, agreed to be paid by the applicant to respondent No.2 – original complainant, as and by way of settlement.

5. The Court is informed that, the applicant had paid only Rs.5,00,000/-, out of the said amount. Mr. Sathyanarayanan, the learned Counsel for the applicant, submits that, the applicant could not arrange the balance amount of Rs.20,00,000/-, as undertaken.

6. The resultant effect is that, the compromise between the applicant and respondent No.2 – complainant has not materialized. It is, therefore, clarified that respondent No.2 – complainant would not be bound by the terms of the settlement and the applicant shall not be entitled to take any advantage of the fact that respondent No.2 had agreed to settle the dispute upon payment of a sum of Rs.55,00,000/-.

7. Since the applicant had already deposited the balance amount of Rs.18,00,000/-, and a further sum of Rs.2,50,000/-, the order passed by the learned Sessions Judge to make the deposit of 25% of the amount ordered to be paid by the learned Magistrate stands complied with, and the order of suspension of sentence becomes operative and the appeal is, therefore, required to be heard on its own merits.

8. The learned Counsel for respondent No.2 – complainant expressed an apprehension that the applicant – appellant will delay the hearing of the appeal. The Court is informed the appeal is now listed before the learned Sessions Judge on 27th October, 2025.

9. Having regard to the developments, which have occurred in the intervening period, and in the totality of the circumstances, it would be expedient to request the learned Sessions Judge to hear and decide the appeal expeditiously.

10. Hence, the following order:

: O R D E R :

- (i) The hearing of Criminal Appeal No.555 of 2022, stands expedited.

- (ii) The learned Sessions Judge, seized with Criminal Appeal No.555 of 2022, is requested to hear and decide the appeal as expeditiously as possible and, preferably, within a period of three months from 27th October, 2025.
- (iii) On that day, the parties shall appear before the learned Sessions Judge without fail.

The application stands disposed.

[N. J. JAMADAR, J.]