

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2731 OF 2025

Yograj Axim & Enterprises

...Petitioner

Through its Proprietor

Mr. Yogesh Ramkrushna Shirsath

Versus

Bandu Namdeo Borse & Anr.

...Respondents

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Mr. Hrishikesh P. Giri, for the Petitioner.

Ms. G. S. Rao, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED: 16 JUNE 2025

P.C.:

1. Heard Mr. Hrishikesh Giri, learned Counsel for the Petitioner, Ms. G. S. Rao, learned APP for the Respondent-State of Maharashtra.
2. Mr. Hrishikesh Giri, learned Counsel also tenders Affidavit of service. Although Respondent No.1 is served, none appears for the Respondent No.1.
3. The Petitioner has sought following reliefs in Writ Petition No.2731 of 2025 :-

“a) That this Hon’ble Court may pass appropriate orders and be pleased to modify the impugned order dated 16/12/2024 passed by the Ld. Sessions Court, Niphad in Exhibit 4 in Criminal Appeal No. 65 of 2024 of directing the Petitioner to deposit 25% amount of the compensation awarded in order dated 06/11/2024.

b) That this Hon’ble Court may pass appropriate orders and quash and set aside the impugned order dated

11/04/2025 passed by the Ld. Sessions Court Niphad in Exh. No. 12 in Criminal Appeal No. 65 of 2024 thereby order of directions to JMFC, Chandwad to issue conviction warrant against the Petitioner.”

4. The operative part of said Order dated 16th December 2024 passed by the learned Additional Sessions Judge, Niphad below Exhibit-4 in Criminal Appeal No.65 of 2024, reads as under :-

“ORDER

- 1] *The execution and operation of sentence in judgment dated 06/11/2024 in Summary Criminal Case No. 281 of 2019, is hereby suspended till final disposal of appeal.*
- 2] *In view of Section 148(1) of Negotiable Instruments Act, the **appellant/accused shall deposit 25% amount i.e. Rs. 9,88,482/- (Rupees nine lakh eighty eight thousand four hundred eighty two only) out of compensation amount, in the Court within two months from the date of this order.***
- 3] *The appellant/accused be released on bail on furnishing PR Bond of Rs.50,000/- (Rupees fifty thousand only) and surety of like amount.*
- 4] *Call record and proceeding from the trial Court.”*

(Emphasis added)

5. As the Petitioner has failed to pay the said amount within time specified above, the Petitioner filed an application bearing Exhibit-12 in Criminal Appeal No.65 of 2024 seeking various reliefs and the learned Additional Sessions Judge, Niphad passed following Order on 11th April 2025 :-

“ORDER

- 1] *Application stands rejected.*
- 2] *Letter be issued to Judicial Magistrate F.C. Chandwad directing him to issue conviction warrant against appellant / accused to serve sentence passed in Summary Criminal Case No. 281 of 2019.*
- 3] *Copy of this order be sent to learned Judicial Magistrate, F.C. Chandwad Niphad for information and necessary actions.”*

6. Mr. Hrishikesh Giri, learned Counsel for the Petitioner states that although both the above Orders are impugned in the Writ Petition, the only relief which the Petitioner is seeking is extension of time of 10 weeks to deposit the aforesaid amount. The Petitioner has tendered undertaking in this Writ Petition. The Petitioner has given undertaking to this Court to deposit the said amount of Rs.9,88,482/- within a period of 10 weeks before the learned Appellate Court. The Petitioner - Yogesh Ramkrushna Shirsath is personally present in Court. The undertaking of the Petitioner is accepted as undertaking given to this Court.

7. Accordingly, although no interference in the impugned Orders is warranted, the Petitioner is granted time till 25th August 2025 to deposit the said amount of Rs.9,88,482/- before the learned Appellate Court.

8. Till 25th August 2025 no coercive steps be taken against the Petitioner. It is clarified that no extension of time will be granted. It is further clarified that, if by 25th August 2025 the Petitioner fails to deposit the said amount, then apart from the legal consequences action for committing contempt will be initiated against the Petitioner.

9. Although the Writ Petition is disposed of, stand over to **8th September 2025** for reporting compliance of this Order.

[MADHAV J. JAMDAR, J.]