

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****WRIT PETITION NO.5144 OF 2025**

Manish Durgashankar Joshi

... Petitioner

V/s.

State of Maharashtra & Anr

... Respondents

WITH**WRIT PETITION NO.5080 OF 2021****WITH****WRIT PETITION NO.3971 OF 2021**

Mr. Pradeep J. Thorat a/w Mr. Aniesh Jadhav for the Petitioners.

Ms. Mankuwar M. Deshmukh, Acting P.P. a/w Mr. Ajay S. Patil, APP for Respondent No.1-State.

Mr. Ashok T. Gade a/w Ms.Riya John for Respondent No.2.

Mr. V.S. Tone, P.S.I. attached to Panvel Taluka Police Station.

CORAM : A. S. GADKARI AND**RANJITSINHA RAJA BHONSALE, JJ.****DATE : 15th October, 2025.**

KIRAN
SANJAY
GHUGE
Digitally signed by
KIRAN SANJAY
GHUGE
Date: 2025.10.27
17:19:14 +0530

P.C. :

1) Advocate Mr.Gade appearing for Respondent No.2 has circulated the Petition for modification of paragraph No.6 of Order dated 30th September, 2025.

1.1) In the said paragraph, the Respondent No.2 had volunteered to pay a cost of Rs.4,00,000/- to the 'Armed Forces Battle Casualties Welfare Fund (AFBCWF)' within a period of two weeks from the date of uploading of

present Order on the official website of the High Court of Bombay. We accordingly in paragraph No.6.1 had directed the Respondent No.2 to pay the said cost within stipulated period as mentioned therein.

2) Learned Advocate for the Respondent No.2 submitted that, Respondent No.2 is a class IV employee in B.M.C. and after taking over all assessment of his accounts, he found that he is unable to pay the said cost of Rs.4,00,000/-. He therefore requested that, said cost be reduced from Rs.4,00,000/- to Rs.2,00,000/- and the figures mentioned in paragraph Nos.6 and 6.1 be accordingly alter to Rs.2,00,000/-. Learned Advocate for the Respondent No.2 tendered across the bar his Affidavit dated 14th October, 2025, duly affirmed before a Notary Public. The said Affidavit is taken on record.

3) In view of the submissions made by the learned Advocate for Respondent No.2 and the statements made in his Affidavit dated 14th October, 2025, we modify and change the figures mentioned in paragraph Nos.6 and 6.1 of Order dated 30th September, 2025, from Rs.4,00,000/- to Rs.2,00,000/-. After effecting the said corrections, paragraph Nos.6 and 6.1 of the said paras would read as under :-

“6) As the Respondent No.2 is successful in getting possession of the suit property without adopting the remedy under the civil law and by lodgment of present crime, learned Advocate for Respondent No.2 submitted that, Respondent No.2 will also voluntarily pay a cost of Rs.2,00,000/- to the ‘Armed Forces Battle Casualties Welfare Fund (AFBCWF)’ within a period of two weeks from the date of uploading of present Order

on the official website of the High Court of Bombay. The said statement is accepted as an undertaking given to this Court.

6.1) We therefore direct the Petitioners to pay a cost of Rs.50,000/- each totalling to Rs.2,00,000/- jointly or severally and Respondent No.2 to pay a cost of Rs.2,00,000/- to the Armed Forces Battle Casualties Welfare Fund (AFBCWF) within a period of two weeks from the date of uploading of present Order on the official website of High Court of Bombay.”

4) The Order dated 30th September, 2025, be corrected accordingly and corrected copy of the Order be uploaded on the official website of the High Court of Bombay. Rest of the Order dated 30th September, 2025, is maintained and is not disturbed.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)