



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 1064 OF 2025

Rambhau Daulatrao Khedkar
Aged about 87 years,
Occ. Proprietor of Kulswamini Trading
Company, R/o. Near Renuka Mata
Mandir, Dabki Road, Akola,
Tq. & District – Akola

... Applicant

Versus

Girdhar Fakirchand Agrawal
Age : 50 years, Occ. : Business,
Proprietor of Nikhilkumar and Co.
R/o. Old Cloth Market, Akola,
Tq. & District – Akola

... Non-applicant

CRIMINAL APPLICATION (APL) NO. 1053 OF 2025

Rambhau Daulatrao Khedkar
Aged about 87 years,
Occ. Proprietor of Kulswamini Trading
Company, R/o. Near Renuka Mata
Mandir, Dabki Road, Akola,
Tq. & District – Akola

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Mr. Mohan Agrawal, Advocate h/f Mr. S.V. Sirpurkar, Advocate for applicant.
Mr. S.A. Mohta, Advocate for non-applicant.

CORAM : RAJNISH R. VYAS, J.
DATE : 20.09.2025

ORAL JUDGMENT:

Admit.

(2) Heard finally with the consent of both the learned counsel for the parties.

(3) Criminal Application (APL) Nos.1053 & 1065 of 2025 are not board but at the request and consent of both learned counsel for the parties, they are taken on board and heard finally.

(4) The present applications have been preferred by the original accused. In all these cases, the applicant is convicted for the commission of offences punishable under Section 138 of the Negotiable Instrument Act, 1881. The challenged is made to conviction by preferring an appeal before the appellate Court. The applicant has preferred an application under Section 389 of the Code of Criminal Procedure for suspension of

sentence. Accordingly, the learned appellate Court suspended the sentence imposed by the trial Court by directing the applicant to deposit sum equivalent to 20% of compensation/fine amount. Since the said condition was found to be rigorous, the applicant preferred application for relaxation of condition on various grounds. The said application was opposed by the original complainant. I have been informed by both the learned counsels that these applications are pending before the appellate Court and till this date, no order has been passed.

(5) Learned counsel for the original complainant has also stated that since there was no compliance of order directing deposit of 20% of amount, he was required to prefer an application for issuance of warrant and accordingly, warrant has been issued but it is not executed till today due to interim relief granted by this Court.

(6) Be that as it may, after passing of the order, suspending sentence an application for relaxation of condition at Exhibit 12 in Criminal Appeal No.99/2024, at Exhibit 12 in Criminal Appeal No.97/2024 and at Exhibit 12 in Criminal Appeal No.98/2024, is moved, the said applications are not decided till date.

(7) In the aforesaid background and in order to put the

controversy at rest, it is directed that appellate Court to decide the aforesaid applications preferred under Exhibit 12 within 15 days from the receipt of this order. The parties agree that they will not seek any adjournment before the appellate Court. Since the warrant has been issued for non-compliance of the order suspending the sentence, which is stayed by this Court, it is directed that the same shall not be executed till decision is taken on Exhibit 12 and seven days thereafter.

(8) The criminal applications are disposed of accordingly.

[RAJNISH R. VYAS, J.]

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