IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CRIMINAL APPLICATION NO. 4333 OF 2026
IN REVNST/11656/2026

Vishal Parmeshwar Gadekar
VERSUS
The State Of Maharashtra And Another
WITH
CRIMINAL APPLICATION NO. 4334 OF 2026
IN REVNST/11656/2026

Vishal Parmeshwar Gadekar
VERSUS
The State Of Maharashtra And Another
WITH
CRIMINAL REVISION APPLICATION (STAMP) NO. 11656 OF 2026

Vishal Parmeshwar Gadekar
VERSUS
The State Of Maharashtra And Another
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Mr. Prashant Madhav Nagargoje, Advocate for the Applicant
Mr. S. V. Hannge, APP for the Respondent-State
Mr. Yogesh B. Bolkar, Advocate for Respondent No.2

CORAM : HITEN S. VENEGAVKAR, J.
Dated : 22nd October, 2026

PER COURT :-

1. Heard the learned Advocate for the applicant and the learned Advocate appearing for respondent no.2

2. The learned Advocate for the applicant submits that he has filed the Criminal Revision Application challenging the conviction order dated 23.01.2020 passed by the learned Additional Chief Judicial Magistrate, Court No.12, Aurangabad in SCC No. 1700 of 2023 and the

judgment and order dated 09.10.2024 passed by the learned Additional Sessions Judge, in Criminal Appeal no. 34 of 2020, confirming the conviction.

3. The learned Advocate for the applicant submits that the present applicant has been directed to suffer rigorous imprisonment for six months and to pay compensation of Rs.4,00,000/- (Rupees Four lakhs) within 30 days from the date of the said order of conviction. He submits that there is delay of 645 days caused in filing the present Criminal Revision challenging the impugned order. He submits that the delay has been sufficiently explained in paragraph no.4 of the application. He submits that the applicant is arrested on 15.10.2026 in pursuance of the rejection of the Criminal appeal and presently he is continued in Harsul Central Prison, Chh. Sambhajinagar.

4. In addition to the explanation tendered in the delay application, he submits that the applicant is ready and willing to deposit the entire compensation amount with interest in this court. He also submits that in order to show his boanafide, he has brought a copy of the Demand Draft of Rs.5,00,000/- (Rupees Five Lakhs) and ready to deposit cash of Rs.1,43,000/-(Rupees One lakh Forty three thousand) during the course of the day with the Nazir Department of this Court. The learned Advocate for the respondent submits that the conduct of the applicant be noted. However, he does not oppose the application on merits. He submits that as the complainant has been deprived of his rightful amount of compensation and interest for years, he be permitted

to withdraw the said amount which will be deposited by the applicant today.

5. I have perused the impugned judgment and order and I have also perused the Criminal Application No. 4333 of 2026, in which the applicant has explained the delay. The applicant has contended that when the disputed cheque issued, he was merely of 19 years of age and a college going boy and he was not having knowledge about the transaction that was actually conducted by his father. The record suggests that the father, who is also made co-accused, has already been acquitted from the cheque dishonour case. He was under bonafide impression that the matter will be settled and he did not approach the court in time. The reasons mentioned in paragraph no. 4 seems to be sufficient and probable reason. Coupled with the explanation provided for condonation of delay, the conduct shown by the applicant of depositing the entire compensation amount alongwith interest in this Court today itself also persuaded me to condone the delay of 645 days.

6. Hence the Criminal Application No. 4333 of 2026 for condonation of delay is stands allowed. The delay of 465 days caused in preferring the Criminal Revision Application St. No. 11656 of 2026 is condoned.

7. The applicant is permitted to deposit the Demand Draft of Rs.5,00,000/-with the Registry of this Court and deposit the cash

amount of Rs.1,43,000/- with the Nazir Department of this Court.

8. The prayer made by the learned advocate for the Complainant seeking permission for withdrawal of the said amount cannot be entertained at this stage. However, the liberty is granted to the respondent to prefer a separate application giving reason for permitting him to withdraw the said application. In case any such application is filed, the same be circulated before this Court.

9. The applicant came to be arrested in connection with the impugned judgment and order on 15.10.2016 and since then, he is in custody. As the learned Advocate for the applicant has agreed to deposit Demand Draft of Rs.5,00,000/- (Rupees Five Lakhs) and ready to deposit cash of Rs.1,43,000/-(Rupees One lakh Forty three thousand) during the course of the day with the Nazir Department of this Court in delay condonation application, taking into consideration that the entire amount of compensation alongwith interest has not been secured and the applicant is in jail since 15.10.2026, I am inclined to allow the Criminal Application No. 4334 of 2026, thereby releasing the applicant on bail. Bail before the trial court.

10. The impugned judgment and order dated 09.10.2024 passed by the learned Additional sessions Judge, Aurangabad in Criminal Appeal No 34 of 2020 and order of conviction dated 23.01.2020 passed by the learned Additional Chief Judicial Magistrate (Court no.12), Aurangabad stand suspended during the pendency and final

disposal of the present Revision Application St. No.11656/2026. The Criminal Application No. 4334 of 2026 is accordingly disposed of.

11. The learned Advocate for the applicant states that the entire compensation amount alongwith interest has been agreed to be deposited to the satisfaction of the impugned judgment and orders, in this Court during the crouse of the day and as the dispute between the parties is a private in nature and there is no monetary claim which is left to be adjudicated between the parties, the dispute can be resolved amicably.

12. The learned Advocate for respondent no.2 seeks time to take instructions. He also submits that he be permitted to withdraw the entire amount. The request of the learned Advocate for the respondent for withdrawal of the amount can be considered on the next date. The learned Advocate for the Respondent is also requested to take instructions from his client, whether he is ready and willing to settle the matter so that the amount can be permitted to be withdrawn and the issue can be put to rest once for all.

13. List the matter on 28.10.2026, first on board under the caption of settlement.

(HITEN S. VENEGAVKAR, J.)

JPChavan