



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 618 OF 2026

Manoj Sudhakar Pradhan

VERSUS

Karishma Suresh Kayasth

...

- Mr. Hazari Ashish Satish, Advocate for the Petitioner

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CORAM : MEHROZ K. PATHAN, J.

DATED : 08.05.2026

PER COURT :

1. Heard learned counsel for the petitioner.
2. Learned appointed counsel for the petitioner submits that the petitioner came to be convicted vide judgment and order dated 11.11.2025 passed by the learned 2nd Judicial Magistrate First Class, Aurangabad, in SCC No. 12544 of 2023. Against the said conviction, the petitioner has preferred an appeal before the learned Ad-hoc Additional Sessions Judge, Court No. 2, Aurangabad.
3. It is further submitted that the petitioner came to be arrested on 18.02.2026, during the pendency of the appeal and application for suspension of sentence. He further submits that the sentence imposed upon the petitioner came to be suspended vide order dated 13.03.2026, subject to the condition of depositing 20% of the compensation amount awarded by the learned Magistrate. According

to the petitioner, the said condition has been imposed mechanically without considering the financial hardship faced by the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is ready to deposit 10% of the compensation amount i.e. 60,000/- within 07 days from today and further undertakes to deposit the remaining 10% amount within a period of two months thereafter. Hence, it is prayed that the condition regarding mandatory deposit of 20% amount for suspension of sentence be modified.

5. Learned counsel for the petitioner has relied upon the judgments of the Hon'ble Supreme Court in the cases of *Muskan Enterprises and Another Vs. State of Punjab and Another*, reported in (2024) 20 SCC 85, and *Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Ltd. and Others*, reported in AIR Online 2023 SC 1103.

6. Taking into consideration the aforesaid submissions and particularly the voluntary submission that the petitioner is ready to deposit Rs. 60,000/- within 07 days, I am inclined to pass the following order :-

ORDER

- i. The order dated 13.03.2026 passed by the learned Ad-hoc Additional Sessions Judge, Court No. 2, Aurangabad, is modified to the following extent :-

- A) The petitioner shall deposit 10% of the compensation amount, i.e. Rs.60,000/-, before the learned Appellate Court within a period of 07 days from today.
- B) The petitioner shall file an undertaking before the learned Appellate Court that he shall deposit the remaining 10% amount within a period of two months thereafter.
- C) Upon deposit of 10% of the compensation amount, i.e. Rs.60,000/-, within the stipulated period, the substantive sentence imposed upon the petitioner shall remain suspended during pendency of the appeal and the petitioner shall be directed to be released forthwith, immediately after deposit of initial amount of Rs. 60,000/- and the undertaking as aforesaid.
- D) Failure on the part of the petitioner to comply with the aforesaid directions shall result in vacation of the order of suspension of sentence.

7. In view of the aforesaid terms, the writ petition is disposed of.

8. Fees of the learned appointed counsel are quantified at Rs.10,000/- (Rupees Ten Thousand only), to be paid by the High Court Legal Aid Services Sub-Committee, Aurangabad.

(MEHROZ K. PATHAN, J.)