

IN THE HIGH COURT OF JUDICATURE OF BOMBAY,
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO.9 OF 2012

Ramadas s/o Hanumayya Modiraj ... APPLICANT

VERSUS

Ashok s/o Laxmanarao Ganjewar ... RESPONDENT

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Shri S.S. Chillarge, Advocate for applicant

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CORAM : U.D. SALVI, J.

DATED : 31st January, 2012.

PER COURT :

1. Heard. Perused. The applicant/accused has been convicted of the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer R.I. for four months and to pay fine compensation of Rs.3,36,000/- to the complainant within a month vide judgment and order dated 28/11/2011 passed by the learned Judicial Magistrate, First Class, Nanded in S.C.C. No.1373/2009. In the Criminal Appeal preferred against the said judgment and order, the applicant/ accused was enlarged on bail subject to he depositing Rs.1,50,000/- towards the part of compensation amount ordered by the learned trial Court,

vide order dated 27/12/2011 passed by learned Sessions Judge, Nanded.

2. An application was moved by the applicant/ accused in the said appeal seeking one month's time to deposit compensation on 2/1/2012. Principally, therefore, the applicant/ accused did not have any quarrel with the quantum of compensation ordered to be deposited by the appellate Court. It was pleaded that business losses and ill health are posing difficulties in depositing the said amount as required by the appellate Court. Learned appellate Court obliged the applicant/ accused by granting 15 days time. Thereupon, it appears, the applicant/ accused preferred the present Criminal Revision Application against the order dated 27/12/2011 directing the deposit of part compensation amount in the Court.

3. In the given circumstances, there is nothing unjust or unconscionable in imposing condition for deposit of part compensation. If the applicant/ accused has difficulties in depositing the part compensation, he may approach the learned appellate Court with appropriate material to substantiate his claim either for grant of time to make payment of part compensation or for relaxation of the said condition. Learned appellate Court shall dispose off any such application moved by the applicant/ accused

in accordance with law. Criminal revision Application stands disposed off accordingly.

(U.D. SALVI, J.)

fmp/crra9.12