

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 820 OF 2019
IN
CRIMINAL APPEAL NO. 1143 OF 2018**

M/s. Dgm Developers Private Ltd. Through Atul Goyal .. Appellant

Vs.

The State of Maharashtra and Anr .. Respondents

Mr. Pravin U. Gaikwad for the appellant.

Mr. J. P. Yagnik – APP for State.

**CORAM : Smt. BHARATI DANGRE
& N.J. JAMADAR, JJ.**

**DATE : 29th MAY 2019
(VACATION COURT)**

P.C.

1. By an order dated 8th February, 2019, this Court had accepted an affidavit filed by the appellant indicating that they are ready and willing to make the payment of the total sum of Rs. 3.60 crores and the schedule for payment was set out in para 6 of the affidavit. By the said order, the statement made in the affidavit was accepted as undertaking and the appellant was held to be bound by the commitment made in the affidavit and it will also be observed that if any, default occurs beyond period of 15 days from the date of installment as per schedule, the entire payment shall be forfeited by the Competent Authority and the Competent Authority shall be free to take appropriate steps in accordance with law.

2. Criminal Application No.820 of 2019 is taken out by the appellant seeking an extension for complying with the payment of installment at the fourth tranche which was to be made within 90 days from passing of the order. In the application, the applicant has stated that on account of the arrest of the one of the Director of the Company on 25/04/2019, the payment could not be arranged as the director was in judicial custody, and was unable to sign the necessary papers so that appellant could have arranged for the payment. We have perused the said application, it appears that the appellant have complied with the schedule of payment as stated in the affidavit and as accepted by this court by an order dated 8th February, 2019 and the default appears to have been committed only in the event when the last installment become due. In order to afford one more opportunity to appellant to prove their bonafide and since the reason stated in the application appears to be bonafide one, we are inclined to extend the time for further period of four weeks i.e. 24th June, 2019. It is made very clear that if the undertaking of making the payment within extended period is not complied with, the entire amount that is deposited will be forfeited forthwith in terms of earlier order dated 4th February, 2019.

3. With the aforesaid directions the Criminal Application No. 820 of 2019 stands disposed of.

[N.J. JAMADAR, J.]

[Smt. BHARATI DANGRE , J.]