

**Cr.MP No.1281 of 2021 in
Cr. Revision No.150 of 2021**

30.7.2021

Present: Mr. T.K.Verma and Mr. Hemant Kumar Thakur, Advocates, for the applicant/petitioner.

Mr. Sudhir Bhatnagar and Mr. Desh Raj Thakur, Additional Advocate Generals with Mr. Narender Thakur, Deputy Advocate General, for the respondent/State.

Through video-conferencing

By way of instant application, prayer has been made on behalf of the applicant/petitioner for modification of interim order dated 28.7.2021, passed by this Court in Cr.MP No.1264 of 2021, whereby this Court while staying the operation and execution of judgment and order dated 24.11.2018 passed by learned Judicial Magistrate 1st Class, Court No.5, Shimla in case No.183-3 of 2014, further affirmed vide judgment dated 5.4.2021 passed by learned Sessions Judge, Shimla in Criminal Appeal No.51-S/10 of 2018, directed the applicant/petitioner to deposit entire compensation amount as awarded by the court below within a period of four weeks. Since applicant/petitioner on account of compelling circumstances is not in a position to deposit the entire award amount i.e. Rs. 1, 50,000/-, prayer has been made on his behalf for modification of aforesaid order inasmuch he has been ordered to deposit the entire compensation amount.

Learned counsel representing the applicant/petitioner states that at this stage petitioner is ready and willing to deposit 50% of the compensation amount.

Consequently, in view of the reasons stated in the application as well as fair submission made by learned counsel for the applicant/petitioner, the present application is allowed and order dated 28.7.2021 passed by this Court in Cr.MP No.1264 of 2021 in Cr. Revision No.150 of 2021, is modified to the extent that the operation and execution of judgment and order dated 24.11.2018 passed by learned Judicial Magistrate 1st Class, Court No.5, Shimla in case No.183-3 of 2014 further affirmed vide judgment dated 5.4.2021 passed by learned Sessions Judge, Shimla in Criminal Appeal No.51-S/10 of 2018, shall remain stayed subject to deposit of 50% of the compensation amount, within a period of two days. Needless to say, if aforesaid 50% compensation amount is deposited and receipt qua the same is produced before the learned Judicial Magistrate 1st Class, Court No.5, Shimla, it would immediately order for release of the petitioner from the jail. The application stands disposed of.

Authenticated copy

**(Sandeep Sharma),
Judge**

July 30,2021
(Shankar)