

ORDER BELOW EXHIBIT - 17
CRIMINAL APPEAL NO. 68 of 2023

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Appearances:-

Appellant present in person along with learned advocate Mr. N.M. Desai, Mr. Sagar Pagare, learned advocate for Shri J.L. Gandhi, for the respondent/original complainant.

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(1) The learned advocate for the appellant has filed an application thereby stating that he has deposited a sum of Rs.2,55,000/- and a sum of Rs. 45,000/- is yet to be deposited in compliance of order dated 03.10.2023. He further submits that the appellant seeks 10 days time for depositing the balance amount of Rs. 45,000/-.

(2) After going through the R & P and hearing the arguments advanced by the learned advocate for the appellant/accused, it transpires that vide order dated 3rd October,2023, the substantive sentence was suspended subject to the condition of depositing 20% of the compensation amount, within 60 days, awarded by the learned Trial Court. Further, it is also seen that the 60 days granted by this Court have already been expired, further, over and above, 60 days, another 30 days have also expired but the appellant has failed to deposit the entire amount.

(3) As on today a sum of Rs. 45,000/- is yet to be deposited by the appellant. In this regard, the Hon'ble Supreme Court of India in ***Jamboo Bhandari Vs. M.P. State Industrial Development Corporation Limited and***

Ors. dated 4th September, 2023 has observed that the deposit of minimum 20% amount is not an absolute rule and can be relaxed if exceptional case is made out.

(3) Further, coming to the present case, the applicant/appellant has already deposited a sum of Rs.2,55,000/- and is praying that 10 days for depositing the balance amount of Rs.45,000/-. Further, taking into consideration, the financial condition of the appellant, the present application deserves to be allowed and following order is passed :-

::: O R D E R :::

- (i) The present application stands ***allowed***.
- (ii) The appellant is directed to deposit the balance amount of Rs.45,000/- within 10 days from today i.e. on or before 05.02.2024.

Date : 24.01.2024.
Place: Valsad

[Tarun V.P. Ahuja]
3rd Additional Sessions Judge,
Valsad.
(Unique Code GJ01545)