

ORDER BELOW EXH. 38 IN S.C.C. NO. 73/2019.

Perused the application, say & record. Heard both sides at length.

2. Ld. Advocate for the accused has submitted that, the order below Exh. 8 dt. 20/10/2021, passed by this Court is set aside by the Hon'ble Addl. Sessions Judge, Karad in Cri. Rev. Application No. 23/2021. Therefore, attachment order passed below Exh. 23 are required to be cancelled and attachment entries thereon upon the properties of accused needs to be cancelled. Hence, he prayed to allow the application. Further, he submitted that, 60 days period for payment of interim compensation is afresh started.

3. Ld. Advocate for the accused has submitted that, after passing the order dt. 20/10/2021, the accused neither pay amount nor followed the order or filed adjournment application. Conduct of the accused is not such to comply the order. Hence, he prayed to reject the order, as through order is set aside by the Hon'ble Addl. Sessions directed to decide the application afresh after rehearing the parties.

4. I have gone through R & P. In Cri. Revision Application No. 23/2021, the Hon'ble Addl. Sessions Judge, Karad, allowed the revision petition and set aside order below Exh. 8. The Hon'ble Court further directed to rehear the parties & decide the application Exh. 8 afresh. Therefore, the order was set aside with direction to decide the application (Exh.8) afresh. Undisputedly, the order of attachment u/s. 421 of the Cr.P.C. vide Exh. 23 is passed later on dt. 24/05/2021. It appears that, the said attachment order was not challenged by the accused. Therefore, it appears that, due to the decision in Cri. Revision Application No. 23/2021, the accused moved this application.

5. Today, this Court has decided the application Exh. 8 afresh after rehearing the parties as per directions of the Hon'ble Addl. Sessions Judge. Today, this Court has passed order below Exh.8 after rehearing the parties, decided afresh the said application and thereby allowed the application (Exh.8) of the complainant and directed the accused to pay interim compensation or Rs. 18,59,872/- to the complaint within 60 days from the date of this order. Thereafter, the accused would bet afresh 60 days period for payment of the same. Thus, till then, the accused is having opportunity to comply the said order within 60 days. As such, till 60 days, if the said order below Exh. 23 is kept in abeyance, then no prejudice would be caused to the complainant. Hence, following order is passed.

ORDER

- 1) The application (Exh. 38) is partly allowed.
 - 2) The order of attachment passed below Exh. 23 is kept in abeyance till 60 days.
 - 3) Parties to take note.
- (Dictated and pronounced in open Court.)

Date :- 17/02/2023.

Place :- Patan.

Sd/-

(P. S. Girgaonkar)

Judicial Magistrate (F. C.)

Patan.