

Ajay

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

CRIMINAL REVISION APPLICATION NO. 126 OF 2013

Shankar Sitaram Gopale .. Applicant
Versus
The State of Maharashtra and Anr. .. Respondents

**WITH
CRIMINAL APPLICATION NO. 53 OF 2015
IN
CRIMINAL REVISION APPLICATION NO. 126 OF 2013**

Shankar Sitaram Gopale .. Applicant
Versus
The State of Maharashtra and Anr. .. Respondents

- None for Applicant.
- Mr. Chandrakant D. Mali, APP for the State.

CORAM : MILIND N. JADHAV, J.
DATE : OCTOBER 07, 2024.

P.C.:

- 1.** None appears for the Applicant.
- 2.** Heard Mr. Mali, learned APP for the State.
- 3.** Record shows that Applicants are represented by an Advocate who has remain absent on the previous dates and on some dates Applicant in-person has also remained absent.
- 4.** Today, none are present. Hence in order to give one more opportunity to Applicant to remain present before this Court, the

present Criminal Revision Applications and Criminal Application No.53 of 2015 are adjourned by one week.

5. Advocate Mr. Devmani Shukla and Mr. Vijayprakash Yadav, representing the Applicants are directed to remain present on the next adjourned date.

6. It is seen that on 20.06.2024 a report has been received from the Metropolitan Magistrate, 33rd Court, Ballard Pier at Mazgaon, Mumbai in compliance of the directions contained in the orders dated 10.05.2024, 15.07.2024 and 26.08.2024 passed by this Court. That report indicates that accused was in jail only for a limited period from 21.04.2011 to 09.05.2011 because as per the order of this Court dated 10.05.2013 sentencing of the accused was suspended on condition to deposit in this Court a sum of Rs.2,80,000/- within a period of four weeks from the date of the said order.

7. Report dated 24.06.2024 indicates that accused has deposited the aforesaid amount in this Court. Report indicates that in order to secure presence of accused from time to time, warrants were repeatedly issued but the said warrants were not executed. Reasons for non-execution of the said warrants is not stated in the said report.

8. From the aforesaid report, it is clear that Revision Applicant has failed to comply with the order dated 10.05.2013, *inter alia*, pertaining to issue of deposit. Perusal of order dated 10.05.2013

clearly reveals that the Revision Applicant was enlarged on bail in the sum of Rs.10,000/- with one or two local sureties in the like amount, with a condition that he would not leave Mumbai without the prior permission of the Trial Court and this Court categorically directed that the said order granting bail will come to an end in the event of default in making the payment / deposit.

9. Perusal of report dated 24.06.2024 reveals that order dated 10.05.2013 is breached by Revision Applicant. Resultantly the said order granting bail has come to an end since the Revision Applicant has failed to deposit the amount of Rs.2,80,000/- as informed to this Court by the learned Metropolitan Magistrate in his report dated 24.06.2024.

10. There is also a specific recording in the order dated 10.05.2013 that in the event if the Revision Applicant fails to deposit the stipulated amount within the stipulated period as stated in the order, the Criminal Revision Application would stand dismissed without further reference to the Court. The said directions contained in paragraph No.3 of the said order.

11. If the report of the learned Metropolitan Magistrate dated 24.06.2024 is to be considered, then in that case the present Criminal Revision Application has to be automatically dismissed without any reference to the Court in view of the conditional order passed by the

Court. Presence of Applicant is necessary.

12. In that view of the matter and considering that the Applicant is represented by Mr. Devmani Shukla, Advocate and /or Counsel on almost all dates, I am giving one last opportunity to the Applicant to remain present on the next adjourned date. If the Applicant and / or his Advocate does not remain present on the next adjourned date, the non-compliance of directions contained in the order dated 10.05.2013 shall be considered by this Court on the basis of the report dated 24.06.2024 and appropriate order shall be passed in the present Criminal Revision Application which shall be heard alongwith Criminal Application.

13. Stand over to **14th October 2024.**

[MILIND N. JADHAV, J.]

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