

PGK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
 Criminal Revision Application No.695 of 2009
 IN
 Criminal Appeal No.101 of 2009

Anand Pandurang Dhudhal Applicant
 v/s.
 Narendra Krishnaji Gawade & anr. .. Respondents

Mr.P.R. Naidu for Applicant.
 Mrs.P.P. Bhosale, APP for State.

CORAM : SMT.ROSHAN DALVI, J.
Dated : 11th December 2009

P.C. :

1. There are two concurrent findings of fact against the Applicant herein. The conviction imposed by the learned Metropolitan Magistrate has been confirmed by the learned Sessions Judge. The compensation amount of Rs. 1,35,000/- is reduced to Rs.1,00,000/-. The Applicant has deposited certain amounts in the Courts below from time to time. The Applicant contends that he has not signed the cheque. He further contends that there was no liability as the account of the Applicant was closed with the Society. The defence to the dishonoured cheque cannot be made out by the documents shown by the Applicant. The complainant shall have to be heard before any order is passed on merits. The complainant is not given notice. The order of the Sessions Court

has been passed on 16th November 2009. The Applicant has chosen to move this Court on the last date before which he is required to serve. He has been convicted by two Courts. He shall have to surrender. If he does not desire to surrender, the amount of compensation of Rs.1,00,000/-, after giving credit for the amounts deposited in the lower Courts, shall have to be deposited by the Applicant. No further period can be granted in view of the fact that the Applicant has moved the High Court on the last date. Hence, the following order:-

ORDER

The Applicant shall deposit in this Court a sum of Rs. 1,00,000/- to the credit of this Criminal Revision Application. The Applicant shall be entitled to get credit for the amounts deposited earlier to make up Rs. 1,00,000/-. If the amount of Rs.1,00,000/- is not deposited on or before 14th of December 2009, the Applicant shall be taken in custody.

2. The Criminal Revision Application is made returnable on 17th February 2010.
3. Issue notice upon Respondent No.1.
4. Humdust allowed.
5. The learned APP for State waives service.

6.The Applicant shall serve Respondent No.1 by RPAD and UPC.

7.The Applicant shall be permitted to insert the few papers which have been inadvertently left out.

(SMT.ROSHAN DALVI, J.)