

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 6548 OF 2014
IN
CRIMINAL REVISION APPLICATION NO. 28 OF 2012**

Gundiba s/o Prabhakar Mundhe

Age : 45 Yrs., Occ. : Agriculture,

R/o : Kanewadi, Tq. Parali,

Dist. Beed.

.... APPLICANT

V E R S U S

1. The State of Maharashtra

2. Maroti S/o Narhari Dahale

Age : 46 Yrs., Occ. : Business,

R/o : Ganeshpar Road, Parali,

Tq. Parali, Dist. Beed.

.... RESPONDENTS

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Mr. A.A.Mundhe, Advocate for Applicant.

Mr. D.V.Tele, A.P.P. for R.No.1 - State.

Mr. R.A.Deshmukh h/f Mr.S.S.Thombre,

Advocate for R.No. 2.

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CORAM : V.M.DESHPANDE, J.

DATE OF JUDGMENT : 28th JULY, 2015

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ORAL JUDGMENT :

1. Rule. Rule is made returnable forthwith. Heard finally by the consent of the learned counsel for the parties.

2. Heard Mr. A.A.Mundhe, learned counsel for the applicant, Mr. D.V.Tele, learned A.P.P. for Respondent No. 1 – State and Mr. R.A.Deshmukh holding for Mr.S.S.Thombre, learned counsel for Respondent No. 2.

3. Initially, Revision was filed by respondent No. 2. The proceeding arises out of dispute u/s 138 of the Negotiable Instruments Act. Present applicant is the original complainant.

4. Respondent No. 2 has deposited ₹ 22,500/- before this Court. Present application is moved for withdrawal of the said amount along with accrued interest thereon.

5. Learned counsel for respondent No. 2 has not disputed the entitlement of the present applicant to withdraw the said amount. In fact, respondent No. 2 has no objection to withdraw the said amount.

6. Hence, I pass the following order.

ORDER

- (i) Criminal Application No. 6548 of 2014 is allowed.
- (ii) Present applicant is permitted to withdraw ₹ 22,500/- along with accrued interest thereon which is deposited in this Court by respondent No. 2.
- (iii) With these observations, present Criminal Application is disposed of.

[V.M.DESHPANDE, J.]