

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

CRIMINAL APPLICATION NO. 43 OF 2015

M/s. Sea Geo Surveys Pvt. Ltd. .. Applicant

v/s.

K.P. James ..Respondent

Ms. Kripali H. Rajani for the applicant
Ms. Racheeta R. Dhuru for the respondent
Mrs. R.V. Newton, APP for respondent State

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED: 19th OCTOBER, 2015.**

P.C.

1. The applicant herein is the complainant in C.C. No. 3048/2000 filed before the J.M.F.C. Vashi under Section 138 of the N.I. Act. The respondent who was the accused in the said case has been convicted and sentenced to suffer simple imprisonment till rising of the Court and to pay fine of Rs.17,02,000/-.

2. The respondent had filed an application challenging the sentence and conviction while complainant had filed the revision

application for enhancement of the sentence. The learned Sessions Judge vide order dated 29.04.2014 dismissed the appeal filed by the respondent-accused and allowed the revision and thereby enhanced the fine amount from Rs.17,02,000/- to Rs.20,00,000/-.

3. The learned Counsel for the applicant has submitted that she has deposited total sum of Rs.3,00,000/- before the trial Court i.e. J.M.F.C., Vashi, Navi Mumbai and Rs.12,00,000/- before this Court.

4. By this application, the learned Counsel for the applicant seeks leave to withdraw Rs.8,00,000/- deposited before this Court. The learned Counsel for the respondent has no objection for withdrawal provided the applicant gives an undertaking to refund the amount of Rs.8,00,000/- with interest at the rate levied by the nationalized bank, from the date of receipt of the money till the date of repayment, in the event the original accused respondent

succeed in the revision application.

5. In the light of the said statement, the applicant is permitted to withdraw Rs.8,00,000/- from the amount deposited before this Court in Criminal Revision Application No. 196 of 2014. The applicant shall make proper application and shall also give an undertaking that in the event the respondent accused (applicant in Revision Application No.196 of 2014) succeeds in the said revision application, the amount will be repaid with interest levied by the nationalized bank, from the date of the receipt of the money till the date of repayment.

6. Parties to act on an authenticated copy of this order.

7. The Criminal Application is disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)