

FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.167 OF 2016

IN

WRIT PETITION NO.704 OF 2006

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Sunny Singh for the Applicant.

Mr. Deepak Thakare, APP. for the State.

CORAM : A.S.GADKARI, J.

DATE : 28th April, 2016

P.C.

This is an application for withdrawal of the amount deposited in this court in Writ Petition No.704 of 2006.

2) The applicant was accused in CC No.474/SS/2005 filed under Section 138 of the Negotiable Instruments Act before the Metropolitan Magistrate, 10th Court, Andheri, Mumbai. The applicant was convicted under Section-138 of the Negotiable Instruments Act by the said Court. The applicant preferred Criminal Appeal No.660/2005 in the Court of Sessions, Greater Mumbai. The applicant also moved an application for grant of stay to the Trial Court order. The appellate Court directed the applicant to deposit 50% of the compensation amount awarded by the Trial Court. The applicant challenged the said order in this Court by filing a Writ Petition No.704/2006. This Court by its order dated 5/4/2006 directed the applicant to deposit 10% of the compensation amount

in the Appellate Court. Accordingly, the applicant deposited a sum of Rs.3,00,000/- in the registry of the Appellate Court on 13.4.2006. By the Judgment and order dated 14.5.2008 the Appellate Court allowed the appeal and set aside the Judgment and Order passed by the learned Magistrate. The applicant is acquitted for the offence punishable under Section 138 of the Negotiable Instruments Act. As the applicant has been acquitted, he has preferred the present application for withdrawal of the amount.

- 3) Heard the learned counsel for the applicant. In view of the facts mentioned above, I am inclined to allow the application.
- 4) The applicant is hereby permitted to withdraw the amount deposited in the registry of this Court.
- 5) The registry is hereby directed to return the above amount to the applicant within a period of three weeks from the date of receipt of the copy of the order. It is made clear that the applicant shall not claim any interest on the said amount.
- 6) Application is allowed in the aforesaid terms.
- 7) All the concerned to act on a copy of this order duly authenticated by the registry of this court.

(A.S. GADKARI, J.)