

Anand

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

CRIMINAL APPLICATION NO.349 OF 2016

(For withdrawal of money)

IN

REVISION APPLICATION NO.136 OF 2016

Sahebrao Sakharam Gawade .Applicant

IN THE MATTER BETWEEN

Avinash Madhav Vaity .Applicant/
Org.Accused

Vs.

Sahebrao Sakharam Gawade & anr. .Respondents

Mr.Amol Jawde h/f. Mr.S.B.Shelar, Advocate, for
the Applicant

Ms Namrata Bobade, Advocate, for the Respondent
No.1

Mrs.R.V.Newton, APP, for the Respondent No.2 –
State

CORAM : REVATI MOHITE DERE, J.

DATE : 02.08.2016

P.C.

. By this Application, the Applicant
seeks to withdraw a sum of Rs.4,00,000/-
deposited by the Revisioner/Original Accused in
the Sessions Court vide (i) Receipt No.277 dated
19.09.2013; (ii) Receipt No.412 dated

20.11.2013; (iii) Receipt No.589 dated 21.01.2014; (iv) Receipt No.96 dated 23.05.2014; (v) Receipt No.127 dated 19.06.2014 and (vi) Receipt No.87 dated 08.06.2016.

2. Learned counsel for the Applicant/Original Respondent No.1 also prays for fixing an early date of hearing of the Revision Application.

3. Learned counsel for the Applicant/Original Respondent No.1 has tendered an undertaking of the Applicant – Sahebrao Sakharam Gawade stating therein that he may be permitted to withdraw the amount deposited by the Revisioner Applicant/Original Accused in the Sessions Court in Cri.Appeal No.348 of 2013 and in Cri.Appeal Nos.39 of 2015.

4. Learned counsel for the Applicant/Original Respondent No.1 submits that

out of the compensation amount of Rs.8,00,000/-, the Revisioner Applicant/ Original Accused has deposited a sum of Rs.4,00,000/- in the Registry of the Sessions Court. She submits that vide the said undertaking, the Applicant has undertaken to bring back the said amount of Rs.4,00,000/- in the event, the aforesaid Revision is decided against him. The said undertaking is taken on record and marked as "Y" for identification.

5. Learned counsel for the Original Applicant in Revn.Appln.No.136 of 2016 states that in view of the said undertaking tendered by the Applicant (Original Complainant), the Revisioner/Original Accused has no objection, if the said amount of Rs.4,00,000/- is withdrawn by the Applicant.

6. Accordingly, the Application is allowed and the Applicant (Original Complainant) is permitted to withdraw a sum of Rs.4,00,000/-

deposited by the Revisioner/Original Accused in the Sessions Court vide (i) Receipt No.277 dated 19.09.2013; (ii) Receipt No.412 dated 20.11.2013; (iii) Receipt No.589 dated 21.01.2014; (iv) Receipt No.96 dated 23.05.2014; (v) Receipt No.127 dated 19.06.2014 and (vi) Receipt No.87 dated 08.06.2016.

7. Since the Appeal is admitted, hearing of the Revision Application is also expedited. Since the transaction is of 2008, liberty is granted to the parties to apply for fixing a date of hearing of the aforesaid Revision Application.

8. Application is disposed of on the aforesaid terms.

Parties to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)