

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 455 OF 2016
(For withdrawal of amount)
IN
CRIMINAL REVISION APPLICATION NO. 376 OF 2015**

Unique Securities

...Applicant/
Respondent No. 2

IN THE MATTER OF :

Dinesh B. Pokhriyal

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Udayan S. Jain for the Applicant/Respondent No. 2

Mr. Yogesh Israni I/b Mr. Niranjan Shrikant Mundargi for the Applicant in
Revn.376/2015

Ms. R. V. Newton, A.P.P for the Respondent No.1-State

CORAM : REVATI MOHITE DERE, J.
WEDNESDAY, 3rd AUGUST, 2016

P.C. :

1. Not on Board. Taken on Board and heard with Revision
Application No. 376 of 2015, which is on board at Serial No. 906 today.

2. By this application, the applicant-Unique Securities (original
respondent No. 2 in Revision Application No. 376 of 2015) seeks the following
prayers :

“a) That this Hon'ble Court be pleased to allow the Respondent No. 2 herein, i.e. M/s. Unique Securities to withdraw the amounts of Rs.15,00,000/- as deposited by the Applicant before the Ld. Metropolitan Magistrate, 64th Court, Esplanade in the above matter and direct the Office of the Ld. Metropolitan Magistrate, 64th Court, Esplanade accordingly;

b) That this Hon'ble Court be further pleased to permit Respondent No. 2 herein, i.e. M/s. Unique Securities to withdraw the further amount of Rs. 10,00,000/- (Rupees Ten Lacs Only) if so deposited by the Applicant herein before this Hon'ble Court.”

3. Learned Counsel for the applicant (Unique Securities) states that the applicant agrees and undertakes to redeposit the aforestated amount of Rs. 15 lakhs and 10 lakhs without interest in this Court in case the applicant in Revision Application (Dinesh B. Pokhriyal) succeeds in the revision application. Learned Counsel for the applicant in Revision Application (Dinesh B. Pokhriyal) to inform the learned Counsel for the applicant (Unique Securities), as soon as the said amount of Rs. 10 lakhs is deposited in this Court. Learned Counsel for the applicant (Unique Securities) to also inform the learned Counsel for the applicant in Revision Application (Dinesh B. Pokhriyal) the interest received by the applicant (Unique Securities) on the said Rs. 15 lakhs. Learned Counsel for the applicant in Revision Application (Dinesh B. Pokhriyal) has no objection if the said amount is withdrawn by the applicant (Unique Securities).

4. Accordingly, the application is allowed in terms of prayer clauses (a) and (b). The applicant is permitted to withdraw the said amount of Rs. 15 lakhs along with accrued interest thereon. Learned Counsel for the respondent No. 2 to furnish the original receipts, pursuant to which, an amount of Rs. 15 lakhs was deposited in the trial Court. The applicant (Unique Securities) is also permitted to withdraw Rs. 10 lakhs, after the same is deposited by the applicant in Revision Application (Dinesh B. Pokhriyal), in this Court, on furnishing proof of identity.

5. The applicant (Unique Securities) is permitted to withdraw the aforesaid amounts in view of the undertaking given by the said applicant, to redeposit the aforesaid amounts, in case the applicant in Revision Application (Dinesh B. Pokhriyal) succeeds in Revision Application.

6. The application is accordingly disposed of.

7. Parties to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.