

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

**CRIMINAL APPLICATION NO. 243 OF 2017
IN
REVN/150/15 WITH REVN/150/15 WITH APEAL 767/15 WITH
APPLN 6403/15 IN REVN 150/15**

Narayan Ramdayal Gattani ..APPLICATION

VERSUS

Ramesh Gopalrao Lingayat and Others ..RESPONDENTS

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Petitioner-in-person in APPLN 243/17.

Mr. D.S. Manorkar, Advocate for applicant in REVN 150/15.

Mr. G.O. Wattamwar, A.P.P. for Respondent Nos.2 - State.

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CORAM : T.V. NALAWADE, J.

DATED : 20th JANUARY, 2017

ORDER :

1. Issue notice to respondents. Mr. Manorkar, learned Counsel waives service of notice for applicant in revision application. Both sides are heard.

2. Application is filed for modification of order made by this Court on 11th May, 2016. By this order, this Court, other Hon'ble Judge had allowed the respondent / original complainant to withdraw the amount deposited by the accused subject to giving of bank guaranty of

said amount. It is the case of original complainant that he is not in a position to give bank guaranty, so condition of bank guaranty needs to be relaxed. He produced copy of order made by the Hon'ble Judge of this Court on 16th October, 2015 in the criminal revision by which some amount was allowed to withdraw on furnishing solvent surety in respect of that amount.

3. Considering the circumstances that parties know each other and respondent – complainant will be available at the time of decision of the matter, this Court holds that condition needs to be modified and original complainant is allowed to withdraw the amount after giving the solvent surety of this amount with regular conditions of depositing the amount if matter decided against him. Criminal Application No. 243 of 2017 is allowed and disposed of.

(T.V. NALAWADE, J.)

SSD