

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

17 CRIMINAL APPLICATION NO. 1901 OF 2017
IN REVN/212/2015 WITH REVN/212/2015

BALAJI S/O. RAMRAO SHINGATWAR
VERSUS
MADHAV HANUMANTRAO WANTEKAR AND ANR

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Advocate for Applicant : Mr. AS Katel, Adv. i/b
Talekar And Associates
Mr. G.G.Kadam. Adv. for Resp.No.1.
Mr. RB Bagul, APP for Respondent-State;

CORAM : P.R.BORA, J.

DATE : 31st October, 2017.

PER COURT :

- 1) Heard learned Counsel for applicant and learned Counsel for the respondents.
- 2) By filing the present application, the applicant is seeking withdrawal of the amount of Rs.3,50,000/- deposited by the revision applicant in this Court under the orders of the Court.
- 3) The learned Counsel for the applicant submits that two courts below have recorded concurrent findings holding that the revision applicant was liable to pay the aforesaid amount to the present applicant.

4) Learned Counsel for the respondent has opposed for permitting any such withdrawal. The learned Counsel submits that there was no such transaction and the conclusions recorded by the courts are illogical and unsustainable.

5) On perusal of the impugned judgments of the courts below, it is revealed that the cheque for the amount of Rs.3,00,000/- was issued by the revision applicant to the present applicant towards the legally enforceable debt. Both the courts have recorded the finding that the said amount was payable by the original accused to the original complainant.

6) After having considered the observations made by the courts below in the judgments passed by them, I am inclined to allow the present application. Hence, the following order, -

ORDER

i) The applicant is permitted to withdraw the amount of Rs.3,50,000/- (Rupees three lacs and fifty thousand) deposited by the revision applicant in this Court on submitting an

undertaking that in the event any adverse order is passed, he will re-deposit the said amount within two months of passing such order;

ii) The Criminal Application stands disposed of.

(P.R.BORA,J.)

bdv/