

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

**913 CRIMINAL APPLICATION NO.3269 OF 2017
IN REVN/101/2016**

MAHENDRA S/O. ASHOK JAISWAL

.. Applicant

VERSUS

DINKAR S/O. SHANKARRAPPA WADKAR AND ANR .. Respondents

...

Advocate for Applicant : Shri. VI. Thole
Advocate for Respondent No.1 : Shri. R.G. Joshi
APP for Respondent No.2: Shri. S.W. Mundhe

...

**CORAM : PR. BORA, J.
DATE : SEPTEMBER 1, 2017**

PER COURT :

1. Heard the learned Counsel appearing for the respective parties.
2. The applicant is seeking withdrawal of the amount deposited by the revision applicant in Sessions Court as well as in this Court. The learned Counsel submits that, the revision applicant has deposited a sum of Rs.40,000/- in the Sessions Court and a sum of Rs.1,25,000/- in this Court. The learned Counsel further submits that, the Courts below have directed to release the amount of Rs.1,60,000/- out of the amount of Rs.1,65,000/- directed to be paid by revision applicant by way of compensation to the present applicant and the amount of Rs.5000/- is directed to be credited towards the cost of the government. The learned Counsel for the applicant is

seeking withdrawal of amount of Rs.1,60,000/-.

3. The learned Counsel for the revision applicant has opposed for such withdrawal and in the alternative has submitted that, if at all the Court is inclined to release the amount, the undertaking be obtained by the applicant.

4. In view of the fact that, both the Courts below have held the revision applicant guilty of the offence punishable under Section 138 of the Negotiable Instruments Act and that, the amount directed to be paid to the present applicant is the amount of the cheque, I deem it appropriate to pass the following order.

ORDER

1. The application is allowed.
2. The applicant is permitted to withdraw the amount of Rs.40,000/- deposited before the Sessions Court as well as the amount of Rs.1,20,000/- deposited in this court on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
3. The matter be placed for admission after Two Weeks.

(P.R. BORA, J)

ggp