

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPR) NO.255 OF 2017
IN
CRIMINAL REVISION APPLICATION (REVN) NO.15 OF 2017

Pravin S/o Krushnarao Wanjari, Shashtri Nagar, Bhandara
-vs-
Anshul s/o Arvind Gupta, Gujrathi Colony, Bhandara and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri R. S. Renu, Advocate h/f Shri S. B. Wahane,
Advocate for applicant in REVN No.15/17 and for non-
applicant-accused in APPR No.255/17.
Shri A. J. Thakkar, Advocate for applicant in APPR No.
255/17.
Shri C. A. Lokhande, APP for non-applicant/State.

CORAM : A.S.CHANDURKAR, J.
DATE : November 15, 2017

By this application it is prayed that an amount of Rs.50,000/- deposited by the original accused be permitted to be withdrawn. It is submitted that in the complaint filed under Section 138 of the Negotiable Instruments Act, the learned Judicial Magistrate, First Class, Bhandara convicted the accused and directed payment of Rs.1,10,000/- as compensation. This judgment was maintained by the Appellate Court. As the application has been admitted and some time would be required for deciding the same finally, it is prayed that the applicant be permitted to withdraw the aforesaid amount.

Copy of the application has been served on the learned counsel for the non-applicant. The application is opposed by the learned counsel for the non-applicant/accused.

Perused the impugned judgment. The applicant is permitted to withdraw the amount of Rs.50,000/- deposited in the trial Court with accrued interest subject to filing an undertaking in this Court that if the conviction is set aside, he shall redeposit the entire amount in this Court with interest at such rate the Court may direct. The withdrawal is without prejudice to the rights of the parties.

Application is disposed of.

JUDGE