

Virapaksha Chaudappa Kumbhar. ..Applicant.

V/s.

The State of Maharashtra. ..Respondent.

Mr. Sagar Tambe I/b. Mr. Ritesh Thobde, advocate for applicant.

Mr. N.B. Patil, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : JUNE 20, 2018.

P. C. :

1 Heard the learned Counsel for the applicant and the learned
APP for State.

2 The applicant herein was an accused in Crime No. 166 of 2017 registered with Akkalkot North Police Station, for offence punishable under section 420 of the Indian Penal Code. The applicant was granted pre-arrest bail by an order dated 10/7/2017 by this Court. This Court(Coram: Revati Mohite Dere, J) had directed the applicant to deposit an amount of Rs. 5,80,000/-, which was to be deposited in fixed deposit in nationalised bank. There was further direction that the trial court shall pass appropriate order on the said amount at the conclusion of the trial. The matter was referred to National Lok Adalat. The parties had compounded the matter before the National Lok Adalat. The applicant

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stands acquitted of the offence punishable under section 420 of the Indian Penal Code. In view of section 320(8) of the Code of Criminal Procedure, 1973 and by an order dated 9/12/2017 Lok Adalat held that the accused is entitled to withdraw the amount deposited by the accused as per procedure of law.

3 Since the amount is deposited in this Court and there were directions that the deposit is subject to the conclusion of the trial court and now that the applicant is acquitted, he has filed the present applicant seeking withdrawal of the said amount. There can be no impediment in allowing the application since the accused applicant is acquitted of the offence under section 420 of the Indian Penal Code.

4 The application is allowed in terms of prayer clause (b) and disposed of accordingly.

[SMT. SADHANA S. JADHAV, J.]