

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO. 136 OF 2018
WITH
CRIMINAL APPLICATION NO. 105 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 46 OF 2017**

Rahul Khanna ... Applicant

Vs.

Sunil Khanna and Anr. ... Respondents

...

Mr. Rahul Khanna appearing in person.

Ms. Shweta Kadam I/b Ms. Sudha Dwivedi for the Respondent No.1

Mrs. N.S. Jain, APP for the Respondent-State.

...

CORAM : PRAKASH D. NAIK, J.

DATE : 05th JULY, 2018.

P.C.

1. This is an application for withdrawal of the amount deposited by the revision-applicant. The application is preferred by the original complainant vide order dated 16th January, 2018, the original complainant was permitted to withdraw the amount of Rs.6,00,000/- deposited by the revision-applicant before the trial Court in CC No. 2449/SS/2011. It was also directed that after the revision applicant deposit the amount in respect of third and fourth installments, the complainant is permitted to withdraw the

said amount. It is however clarified that the withdrawal shall be subject to the decision in the Criminal Revision Application No. 46 of 2017. Thereafter, this Court vide order dated 25th April, 2018 allowed the complainant to withdraw an amount of Rs.5,00,000/- upon furnishing an undertaking that in case, revision is allowed, he shall re-deposit the said amount from the date of order passed in revision acquitting the accused within period of 10 weeks thereafter alongwith interest at the rate of 6% per annum.

2. It is submitted that the revision-applicant has so far deposited an amount of Rs.18,00,000/- and the complainant has been allowed to withdraw an amount of Rs.11,00,000/-. It is therefore prayed that amount of Rs.7,00,000/- be permitted to be withdrawn by the complainant.

3. The complainant who is appearing in person submits that there is great urgency in withdrawing the said amount as the son of applicant is required to undergo blood transfusion for every fifteen days.

4. Taking into consideration the fact that the complainant was allowed to withdraw the amount, as stipulated in earlier order referred in above, he is permitted to withdraw the amount of Rs.7,00,000/- deposited by the revision-applicant before the trial

Court. However, it will be subject to condition as stipulated in the order dated 25th April, 2018.

5. Criminal Application is disposed off.

(PRAKASH D. NAIK, J.)