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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.140 OF 2018

IN

CRIMINAL REVISION APPLICATION NO.76 OF 2018

Suresh Lalchand Sisodia

..Applicant.

V/s.

Vilas Dinkar Shinde & Anr.

..Respondents.

Mr.S.Garad i/b. Jayakar & Partners for the applicant.

Mr.Aniket Nikam i/b. Aashish Satpute for respondent No.1.

Mrs.M.R.Tidke, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : APRIL 13, 2018

PC.:-

This is an application filed by the applicant-original complainant for withdrawal of amount deposited by respondent No.2-accused in part compliance of the order passed by the learned Metropolitan Magistrate.

2. The learned counsel for respondent No.2 strenuously opposed the application on the ground that it will be difficult to

secure the amount in case if the revision is allowed.

3. So as to work out equity in favour of the parties, in my opinion, it will be appropriate to allow the application in terms of prayer clause (a) subject to condition that the applicant-original complainant shall submit an undertaking to this Court that in case the revision is allowed, the amount will be re-deposited in this Court within a period of 6 weeks from the date of such order along with interest at the rate of 6% p.a.

4. With the above observations, the application stands allowed.

(NITIN W.SAMBRE, J.)