

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

**CRIMINAL APPLICATION NO.170 OF 2017
IN
CRI. REVISION APPLICATION NO.634 OF 2016**

M/s.Global Constructions Solutions .. Applicant

Vs.

M/s. S.G.F. Enterprises & Anr.. .. Respondents

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Mr.Momin Mohd. Farooque Nisar, Advocate for Applicant.

Mr.Manish D. Alwe h/f. Mr.B.Y. Tandel, Advocate for the Respondents.

Mr.P.H. Gaikwad, APP for the Respondent - State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 10, 2018.

P.C. :

This is an application for withdrawal of amount deposited by the revision applicant. The accused has been convicted for an offence punishable under Section 138 of Negotiable Instruments Act, 1881, and sentenced to suffer imprisonment for three months and also directed to pay compensation of Rs.20,00,000/-. The entire amount has been deposited by the revision applicant-accused. The amount of Rs.12,00,000/- has been deposited in this Court and the amount

of Rs.8,00,000/- has been deposited before the Sessions Court. It is submitted that the cheque was dishonoured in 2012. The accused has been convicted by the trial Court. It is, therefore, submitted that the amount may be allowed to be withdrawn by the present applicant-complainant.

2 Learned advocate for the complainant submits that withdrawal can be permitted without prejudice to the rights and contentions of the revision applicant and subject to the final decision in the Revision Application. In the aforesaid circumstances, I pass the following order:

:: ORDER ::

- (i) Criminal Application No.170 of 2017 is allowed;
- (ii) The applicant-complainant is permitted to withdraw the amount of Rs.12,00,000/- deposited in this Court by the Revision Applicant as well as Rs.8,00,000/-, deposited before the Sessions Court in Criminal Appeal No.119 of 2014;

- (iii) The withdrawal is, however, without prejudice to the rights and contentions of the revision applicant-accused and subject to the decision in the Revision Application;
- (iv) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)