

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

**CRIMINAL APPLICATION NO.385 OF 2017
IN
CRI. REVISION APPLICATION NO.477 OF 2016**

Smt.Surekha Sunil Shintre

.. Applicant

Vs.

Pradeep Sonaram Panchal & Anr.

.. Respondents

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Mr.P.G. Sarda, Advocate for the Applicant in APPR 385/2017.

None for the Applicant in Revn 477/2016.

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

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 24, 2018.

P.C. :

This is an application for withdrawal of the amount. The applicant/original complainant had filed complaint for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Revision Applicant/accused was convicted by the trial Court which was confirmed by the Sessions Court and, thereafter, the revision application has been preferred which is pending in this Court.

suspended the sentence of imprisonment and the revision applicant was enlarged on bail. In the said order, it was stated that the revision applicant has deposited Rs.50,000/- in the Sessions Court. The revision applicant was directed to deposit Rs.1,00,000/- before the Sessions Court within two weeks from the date of his release on bail.

3 The applicant has stated that so far the revision applicant has deposited Rs.1,50,000/- in the Sessions Court and Rs.50,000/- before the Court of learned J.M.F.C., Loha. It is submitted that the impugned cheque was issued in the year 2011. There is concurrent finding of conviction against revision applicant. The applicant, who is a lady is in a need of finance as she has lost her husband.

4 None appears for the revision applicant. Even none appeared for the revision applicant on the earlier occasion. The applicant was directed to serve copy of this application to the advocate representing the revision applicant. Learned advocate for the applicant submits that he had contacted the advocate representing the revision applicant and intimated him about the date of hearing of this application. Considering the submissions

advanced by the learned advocate for the applicant, this application deserves to be allowed.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Criminal Application No.385 of 2017 is allowed;
- (ii) Applicant is permitted to withdraw the amount of Rs.1,50,000/- deposited before the Sessions Court at Mangaon, District Raigad in Criminal Appeal No.8 of 2013. The applicant is also permitted to withdraw the amount of Rs.50,000/- which has been deposited by the accused in the Court of J.M.F.C. Roha in Summery Criminal Case No.89 of 2012;
- (iii) The aforesaid withdrawal shall be subject to the decision in revision application no.477 of 2016.

- (iv) Criminal Application No.385 of 2017 stands disposed of accordingly.

(PRAKASH D. NAIK, J.)