

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.618 OF 2016
IN
CRIMINAL REVISION APPLICATION NO.442 OF 2013

PK.Balkrishnan Kurup

Applicant

versus

Seema Shyam Khettal @ Jyoti and another

Respondents

Mr.Arthav Sanghavi i/by Jhangiani, Narula and Associates for
applicant.

Ms.R.M.Gadhvi, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 17th January 2018

PC :

1. This is an application filed by original complainant for withdrawal of a sum of Rs.2,50,000/- deposited by the revision applicant in the Court of Metropolitan Magistrate, 12th Court, at Bandra, Mumbai. The revision applicant was convicted by the learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai for the offence under Section 138 of Negotiable Instruments Act vide judgment and order dated 18th November 2008. The said order of conviction was confirmed by the Appellate Court vide judgment and order dated 21st August 2013 passed by the Sessions Court. The aforesaid orders are challenged before this Court by filing Criminal Revision Application No.442 of 2013.

2. The learned advocate for the applicant submits that the revision applicant has deposited Rs.2,50,000/-. Hence, it is prayed

that the said amount may be allowed to be withdrawn. The cheques were issued in the year 2005 which were dishonoured at that point of time. There is concurrent finding against the revision applicant no.1. In the circumstances, the application deserves to be allowed.

3. Hence, I pass following order :

ORDER

- (i) Criminal Application No.618 of 2016 is allowed in terms of prayer clause (a);
- (ii) Withdrawal of the amount shall be subject to the decision in Criminal Revision Application No.442 of 2013;
- (iii) Criminal Application No.618 of 2016 is disposed of.

(PRAKASH D. NAIK, J.)

MST