

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

**CRIMINAL APPLICATION NO.581 OF 2017
IN
CRI. REVISION APPLICATION NO.367 OF 2017**

Pravin Narayan Lad

.. Applicant

Vs.

Pramod Bhagwan Sawant & Anr.

.. Respondents

.....

Mr.Raju D. Suryawanshi, Advocate for the Applicant.
Ms.Neeta S. Jain, APP for the Respondent - State.
None for the Revision Applicant.

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CORAM : PRAKASH D. NAIK, J.

DATED : JANUARY 24, 2018.

P.C. :

This is an application for withdrawal of the amount of Rs.25,00,000/- deposited by the revision applicant in criminal Revision Application No.367 of 2017.

2 The applicant is original complainant. The revision applicant has been convicted for the offence publishable under Section 138 of the Negotiable Instruments Act, 1881 and which conviction was confirmed by the Sessions Court.

3 This Court by order dated 28th August, 2017, suspended the sentence of imprisonment and the revision applicant was enlarged on bail subject to the condition that he shall deposit an amount of Rs.25,00,000/- before the trial Court within ten days and the balance amount of Rs.15,00,000/ within four weeks thereafter.

4 It is submitted by advocate for applicant that in pursuant to the said order, the revision applicant has deposited an amount of Rs.25,00,000/- in the Court of J.M.F.C., Ratnagiri. Learned advocate for the applicant further submits that the balance amount of Rs.15,00,000/- is not yet deposited and the revision applicant committed breach of the order.

5 This application has been filed for withdrawal of the amount which has been deposited by the revision applicant in pursuant to the order passed by this Court. The cheque was issued on 1st November, 2012. It is submitted that on account of the settlement in civil suit, the possession of the property was handed over to the revision applicant and the revision applicant had agreed to pay Rs.75,00,000/- to complainant. The accused sold the said property to another person for consideration of

Rs.1,70,00,000/-. Considering the aforesaid circumstances, this application deserves to be allowed.

5 Hence, I pass the following order:

:: ORDER ::

- (i) The applicant is permitted to withdraw an amount of Rs.25,00,000/- deposited by the revision applicant in the Court of J.M.F.C., Ratnagiri in Summary Criminal Case No.29 of 2013;
- (ii) Withdrawal of amount shall be subject to decision in the criminal Revision Application No.367 of 2017;
- (ii) Criminal Application No.581 of 2017 stands disposed of.

(PRAKASH D. NAIK, J.)