

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 606 OF 2017
IN
CRIMINAL REVISION APPLICATION NO. 50 OF 2016

Felix Anthony Francis ... Applicant
Vs.
Shri Wasim Shaikh Rafique & Anr. ... Respondents

...

Mr. Veerdhaval Kakade for the applicant.
Mr. Joshi for the respondent No.1.
Mrs. M.R.Tidke, APP for the State.

...
CORAM : PRAKASH D. NAIK, J.
DATE : 6th JUNE, 2018

P.C.

This is an application for withdrawal of an amount of Rs.54,000/-, deposited by the revision applicant before the trial Court. The applicant in this application is the original complainant in the proceedings initiated under Section 138 of Negotiable Instrument Act, 1881. Trial Court had directed the revision applicant to deposit an amount of Rs.54,000/-, after convicting him for the aforesaid offence. After dismissal of his appeal, the revision applicant has preferred the Revision Application before this Court, which is pending. The sentence imposed upon the revision applicant has been suspended.

2 The learned advocate for the applicant/original complainant

submits that the amount of Rs.54,000/-, deposited before the trial Court be allowed to be withdrawn by the applicant. It is submitted that the cheque, which was the subject matter in the proceedings is of the year 2003.

3 Mr.Joshi, learned counsel for respondent/revision applicant vehemently opposed the grant of such relief and submitted that the orders of the trial Court and the Sessions Court are under challenge in the Revision Application and, hence, the amount may not be returned to the complainant.

4 Taking into consideration the submissions advanced by the learned counsel for the applicant, the relief, as sought in the application can be granted.

5 Hence, I pass the following order :

ORDER

- i. The applicant/original complainant is permitted to withdraw the amount of Rs.54,000/-, deposited by the respondent/revision applicant before the trial Court in connection with SCC No. 2117 of 2003 pending before the JMFC Contonment Court, Pune.
- ii. Criminal Application 606 of 2017 stands disposed of.

(PRAKASH D. NAIK, J.)