

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 57 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 39 OF 2018

WITH

CRIMINAL APPLICATION NO. 58 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 40 OF 2018

WITH

CRIMINAL APPLICATION NO. 59 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 41 OF 2018

WITH

CRIMINAL APPLICATION NO. 60 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 42 OF 2018

Kamal Jaswantlal Sheth

...Applicant.

Vs.

The State of Maharashtra & Anr.

....Respondents.

Mr. Manohar Ramsinghani I/by Abdul Millwala for the Applicant and the Respondent in Revision Applications.

Smt. Sonal Parab a/w Mr. S.R. Samel I/by Rajeev Sawant & Associate for the Applicant in Revision.

Mr. R.M. Pethe APP, for the Respondent-State.

CORAM : A. S. GADKARI, J.

DATE : 11th JULY, 2019.

P.C.:-

These are the Applications filed by the Original Complainant for withdrawal of the amount deposited by the

Respondent No.2 in the Trial Court so also before this Court in the aforestated Criminal Revision Applications.

2 The details of amount deposited by the Respondent No.2/Original accused in the Trial Court as well as in this Court is mentioned here-in-below in a tabular form.

Sr. No.	Particulars of Case	Date	Amount (Rs.)	Court
1	Cr. APL No. 57 of 2019 IN RA No. 39 of 2018 IN C.C. No. 966/SS/2010	07.03.2014	1,00,000	Trial Court
		30.04.2014	10,00,000	
		06.05.2014	17,00,000	

			28,00,000	
			72,00,000	High Court
Total amount deposited			1,00,00,000	
2	Cr. APL No. 58 of 2019 IN RA No. 40 of 2018 IN C.C. No. 967/SS/2010	07.03.2014	1,00,000	Trial Court
		30.04.2014	44,65,000	
		06.05.2014	10,00,000	

			55,65,000	
			1,44,45,000	High Court
Total amount deposited			2,00,00,000	
3	Cr. APL No. 59 of 2019 IN RA No. 41 of 2018 IN C.C. No. 968/SS/2010	07.03.2014	1,00,000	Trial Court
		30.04.2014	10,00,000	
		20.06.2014	35,00,000	
		25.07.2014	20,00,000	
		05.11.2014	72,60,000	

			1,38,60,000	
			3,61,40,00	High Court

Total Amount deposited			5,00,00,000	
4	Cr. APL No. 60 of 2019 IN RA No. 42 of 2018 IN C.C. No. 969/SS/2010	07.03.2014	1,00,000	Trial Court
		30.04.2014	10,00,000	
		06.05.2014	17,00,000	

			28,00,000	
			72,00,000	High Court
Total amount deposited			1,00,00,000	

3 The learned counsel for the Respondent No.2 submitted that, the Respondent No.2 has no serious objection for withdrawal of the amount by the Applicant, however adequate security from him may be obtained as in case the Respondent No.2 succeeds in the Revision Applications, the Applicant will have to bring back the said amount.

4 In view thereof, the Applicant is permitted to withdraw the aforestated amount of Rs.9 crores from the Registry of the Trial Court so also from the Registry of this Court, subject to furnishing continuous bank guarantee of Nationalized bank during the pendency of the Revision Applications for the said amount.

Applications are allowed in the aforesaid terms.

(A.S. GADKARI, J.)