

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

**CRIMINAL APPLICATION NO.634 OF 2018
IN
CRIMINAL REVISION APPLICATION NO.217 OF 2009**

Aziz Usman Khot

... Applicant

Vs.

Vijay D. Salvi & Ors.

... Respondents

**With
APPR/635/2018, APPR/636/2018, APPR/637/2018,
APPR/638/2018, APPR/640/2018, APPR/641/2018,
APPR/647/2018, APPR/649/2018, APPR/662/2018,
AND
APPW/564/2018**

Mr.T.Rajaram Mohan Roy for the Applicant in all applications

Mr.S.A. Vaidya for Respondent/original applicant in Revisions

Mr.A.R. Patil, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: FEBRUARY 7, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. Learned Counsel for the applicants/original complainants has submitted that the original applicant is convicted for the offence under section 138 of the Negotiable Instruments Act by

orders passed by the learned Special Metropolitan Magistrate, 50th Court, Vikhroli, Mumbai, the learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai and the learned Metropolitan Magistrate, 6th Court, Mazgaon, Mumbai. The said orders were confirmed by the learned Additional Sessions Judge, Greater Mumbai, against which the original accused filed criminal Revision applications in this Court.

3. Today, these applications are moved by the original complainants for withdrawal of the amounts which were deposited by the applicant/original accused either before the learned Metropolitan Magistrate or before the Sessions Court or before this Court. He submits that 50% of the amount of compensation which was directed to be deposited in different cases is deposited by the accused. The learned Counsel submits that he has given details of the names of the complainants so also the 50% of the amount of compensation which is deposited by the original accused. He prays that the complainants be allowed to withdraw the said amounts.

4. The learned Counsel for the accused in all the matters submits that the withdrawal should be made conditional and

subject to the outcome of the decision in all the revision applications.

5. In view of the submissions of the learned Counsel for the original complainants, the applications for withdrawal are allowed with the following order:

The original complainants i.e., the applicants herein, are allowed to withdraw the amounts, as per the details given below, on condition that the applicants furnish undertakings before the Registry of this Court that the amount is withdrawn subject to the outcome of the respective Revision Applications -

APPR/647/2018	Rs.44,055/-
APPR/638/2018	Rs.39,600/-
APPR/636/2018	Rs.30,000/-
APPR/637/2018	Rs.43,600/-
APPR/641/2018	Rs.44,222/-
APPR/635/2018	Rs.39,600/-
APPR/640/2018	Rs.32,500/-
APPR/634/2018	Rs.44,222/-
APPR/649/2019	Rs.44,222/-
APPR/662/2018	Rs.39,600/-
APPR/564/2018	Rs.83,443/-

6. The Criminal applications are disposed of accordingly.

(MRIDULA BHATKAR, J.)