

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPW) NO. 182 OF 2019
IN
CRIMINAL WRIT PETITION NO. 1023 OF 2018

Dr. Vellai Thangadurai S/o M. Vellai and anr.

..VS..

Dr. Pramod S/o Tulsiramji Warhekar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : ROHIT B. DEO,J.
DATED : 7th AUGUST, 2019.

None appears on behalf of the petitioners.

2. This application is preferred for modification of order dated 21.06.2019.

3. By the judgment dated 21.06.2019, this Court quashed the order of issuance of non-bailable warrant against the petitioners after recording the statement of the learned counsel Shri A.R. Prasad that the petitioners/accused shall appear before the trial Court on 23.07.2019.

4. Vide the earlier order dated 17.10.2018, this Court directed the petitioners/accused to deposit an amount of Rs.5,00,000/- which corresponds to 20% of the amount of cheque before the learned Magistrate. This amount is duly deposited.

5. This Court further directed that the amount deposited shall be considered as interim compensation payable to the complainant who shall be free to withdraw the same. The petitioners are now contending that if they are acquitted, it would be difficult to recover the amount deposited. It is prayed that the complainant be directed to furnish bank guarantee or solvent surety to the extent of Rs.5,00,000/- for withdrawal of the said amount.

6. If the petitioners are acquitted, there is adequate statutory mechanism which would enable the recovery of the said amount.

7. I do not see any reason to modify the impugned judgment, the application is rejected.

JUDGE

Prity G.