

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**968 CRIMINAL REVISION APPLICATION NO.153 OF
2021
WITH APPLN/2735/2021 IN REVN/153/2021**

WALIULLAHA KHAN ALI AHMED KHAN
VERSUS
IRSHAD YOUNUS MANIYAR AND ANOTHER

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Shri Mohasin Latif Khan Pathan Advocate for Applicant.
Shri D.P. Madkar Advocate h/f. Shri Rahul G. Joshi
Advocate for Respondent No.1.
Shri N.T. Bhagat, A.P.P. for Respondent No.2.

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CORAM: M.G. SEWLIKAR, J.

DATE : 1st DECEMBER, 2021

ORDER :

1. Heard.

2. Applicant is convicted of the offence punishable under Section 138 of the Negotiable Instruments Act, by the learned Judicial Magistrate First Class, Aurangabad. He is sentenced to suffer simple imprisonment for six months, with fine of Rs.4,00,000/-. This sentence has been confirmed in appeal. Against the said Judgment, applicant has preferred this revision.

3. Shri Pathan, learned counsel for the applicant submits that the applicant has deposited entire amount of compensation of Rs.4,00,000/-.

4. Learned counsel Shri Madkar holding for Shri Joshi Advocate for respondent No.1 submits that respondent No.1 be permitted to withdraw the amount of Rs.4,00,000/-.

5. Learned counsel Shri Pathan for the applicant submits that he has no objection if the amount is allowed to be withdrawn by respondent No.1 with some conditions.

6. Applicant is in jail since 13th November 2021. Revision is not likely to be heard immediately. In this view of the matter, substantive sentence of the applicant is suspended till the disposal of the revision application. Fine amount is already paid by the applicant.

7. Applicant be released on bail on his furnishing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount. Bail in trial Court.

8. Respondent No.1 is allowed to withdraw the amount of Rs.4,00,000/-, subject to the undertaking by the respondent No.1 that if this revision is decided in favour of the applicant, respondent No.1 shall deposit the entire amount of Rs.4,00,000/- at once.

[M.G. SEWLIKAR, J.]

asb/DEC21