

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

**INTERIM APPLICATION NO. 2180 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 694 OF 2016**

Aslam Shaikh

.....Applicant /

Orig. Respondent no.2

IN THE MATTER OF

Mohammed Jafar Qureshi

....Applicant

V/s.

The State of Maharashtra & anr.

...Respondents

* * * *

Mr. Santosh Kyadiguppi, advocate for the applicant

in IA-2180-2021.

Mr. A.D. Khamkhedkar, APP for State-respondent no.1.

Mr. Ujwal Angadsurve, Advocate for the applicant in IA-1638-2021.

CORAM : SANDEEP K. SHINDE, J.

Monday, 6th September, 2021.

P.C. :

1. Heard learned Counsel for the parties.

2. Respondent no.2 instituted C.C. No.846/2012 against the applicant in the Court of Metropolitan Magistrate at Kurla. Applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer simple imprisonment for 4 months and to pay fine of Rs.4,00,000/-, in default, to suffer simple imprisonment for two months. The learned Magistrate has also directed that out of the fine amount, applicant shall pay compensation of Rs.3,90,000/- to respondent no.2 (complainant). The order of conviction and sentence was confirmed by the learned Additional Sessions Judge, Greater Mumbai by order dated 10th November, 2016. Against this order, applicant has preferred revision. Vide order dated 22nd December, 2016 applicant was directed to deposit Rs.2,72,000/- in this Court. It may be stated that, applicant has deposited Rs.10,000/- in the Court of Metropolitan Magistrate, Kurla; Rs.78,000/- in the Sessions Court at Mumbai and Rs.2,72,000/- in the Registry of this Court.

3. Respondent no.2 seeks leave to withdraw this amount. He would rely on the provisions of Section 148(3) of the Negotiable Instruments Act.

4. In consideration of the facts of the case, respondent no.2 is permitted to withdraw the amount deposited by the applicant, subject to Undertaking that, if the applicant succeeds in the revision, respondent no.2 shall bring back the money as may be directed by the Court while deciding the subject Revision Application.

5. The Interim Application stands disposed of in aforesaid terms.

6. List the Revision for admission on 27th September, 2021.

(Sandeep K. Shinde, J.)