

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 943 OF 2019

IN

CRIMINAL REVISION APPLICATION NO. 609 OF 2018

Vinayaga Marine Petro Ltd.

.....Applicant/
Orig.Complainant

V/s.

1. Geeta Marine Services Pvt. Ltd.

And anr.

.....Respondent/
Orig. Accused

* * * *

Mr. Aniket Gawand, Advocate for the applicant in IA-943-2019 and for respondent in Revision No.609-2018.

Mr. S.N. Gawade i/by. Shree & Co., Advocate for the respondent in IA-943-2019 and for applicant in Revision No.609-2018.

Mr. A.D. Khamkhedkar, APP for State.

Coram : Sandeep K. Shinde, J.

Monday, 15th November, 2021.

P.C. :

1. Heard.

2. Applicants in Criminal Revision Application No.609/2018 were convicted of the offence punishable under Section 138 read with Section 141 of the Negotiable Instruments Act, on 29th October, 2012. Criminal Appeal No. 273/2012 against conviction and sentence, was dismissed on 1st November 2018, Whereafter the subject revision has been preferred. On 19th September, 2019, this Court had directed the revision applicants to deposit additional sum of Rs.22,50,000/- (Rs. Twenty Two Lakhs Fifty Thousand), besides the amount already deposited in the trial and appellate Court, in the Registry within two weeks. The cheque in question which was returned unpaid, was issued in 2005 and two Courts have concurrently recorded the findings against the revision applicants and convicted them.

3. The instant application is preferred by the complainant seeking leave to withdraw the amount deposited by the revision applicants in this Court; Sessions Court and in the Court of Metropolitan Magistrate at Mazgaon. In consideration of the fact of the case and conviction recorded by two fact finding Courts, the application is allowed and the applicant (complainant) is permitted to withdraw Rs.26,00,000/-

(Rs. Twenty Six Lakhs) deposited by the revision applicants in this Court, Rs.7,00,000/- (Rs. Seven Lakhs) deposited in the Sessions Court and Rs.90,000/- (Rs.Ninety Thousand) deposited in the 6th Metropolitan Magistrate, Mazgaon on an Undertaking, that in case, the revision applicants succeed in the revision, they shall bring back the money to this Court as may be directed by this Court. On such an Undertaking being filed, the Registry of the respective Courts, shall permit the applicants to withdraw the amounts as stated above.

4. All concerned to act on authenticated copy of this order.

5. With the above directions, the application stands disposed off.

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(Sandeep K. Shinde, J.)