

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1056 OF 2019
IN
CRIMINAL APPLICATION (APPR) NO. 40 OF 2019
IN
REVISION APPLICATION NO. 31 OF 2019

M/s. Teamglobal Logistics Pvt. Ltd.

... Applicant.
(Orig.Respondent No.2.)

In the matter between :

M/s. Enicar Logistics Pvt. Ltd. & Anr.

... Revision Applicants.
(Orig.Applicants)

Vs.

The State of Maharashtra & Ors.

... Respondents.

Mr.Harshal Suryavanshi for the Applicant.

Smt. Rutuja Ambekar, A.P.P. for Respondent No.1-State.

Mr. Pravin Patel for the Respondent No.2 & 3.

CORAM : A.S. GADKARI, J.
DATE : 20TH JANUARY 2021

P.C. :

This is an application of the original respondent No.2 for withdrawal of amount deposited by the Revision Applicant in the Registry of this Court in pursuance of Order dated 5th July 2019 passed in Criminal Application No.40 of 2019.

2. Mr. Patel, learned counsel appearing for the original applicants

opposed the Application and submitted that, the present applicant may not permitted to withdraw the said amount.

3. It is an admitted fact that, the Trial Court has convicted the Revision Applicants and their conviction has been upheld by the Appellate Court.

In the Revision preferred by the original applicants, this Court while suspending sentence and releasing the Revision Applicants on bail had directed them to deposit an additional amount of Rs.10 lakhs. The total amount deposited by the Revision Applicants in the Trial Court is Rs.15,50,000/-. The respondent No.1 had instituted the said complaint under Section 138 of the Negotiable Instrument Act, in the year 2010, which resulted into conviction of the Revision Applicants by the Judgment and Order dated 18th June 2014 passed by the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai.

4. In view of the above and for the reasons stated in the Application, the applicant in the present Application i.e. Original respondent No.1 is permitted to withdraw the said amount of Rs.15,50,000/- (Rupees Fifteen Lakhs Fifty Thousand Only) from the Registry of the learned Metropolitan Magistrate, 63rd Court, Andheri, Mumbai on its furnishing undertaking incorporating a specific clause that, in case, the respondent No.1 (Applicant

herein) does not succeed in the Revision before this Court, it will bring back the said entire amount along with the interest prescribed by the Reserve Bank of India, prevailing on the date of decision of the present Revision.

5. Application is allowed in the aforesaid terms.

(A.S. GADKARI, J.)