

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Criminal Application (ABA) No. 28 of 2021

(Chintha Satish Reddy S/o Chintha Narsimha Reddy and anr. **..vs..** The State of Maharashtra
through P.S.O., Kalamana P.S., Dist. Nagpur)

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

Court's or Judge's orders

Mr. S. P. Bhandarkar, Advocate for the applicants
Mr. S. S. Doifode, APP for the State/non-applicant
Mr. S. S. Shingane, Advocate for intervenor/complainant

CORAM : ROHIT B. DEO, J.

DATED : 05/03/2021

Heard.

2. On the last date of hearing, learned counsel for the applicants Mr. Bhandarkar handed over demand draft for Rs. 48,50,000/- to the complainant who was present in the Court and made a further statement that Rs. 48,50,000/- shall be paid within two weeks. Learned counsel for the complainant Mr. Shingane confirms that the demand draft received on 18-2-2021 is duly encashed.

3. Today, as undertaken on the last date of hearing, learned counsel for the applicants Mr. S. P. Bhandarkar

has handed over demand draft for further amount of Rs. 48,50,000/- to the complainant.

4. The demand drafts correspond to the amount of Rs. 97,00,000/- allegedly transferred by the complainant to the applicants-accused.

5. The learned counsel for the complainant submits, that the complainant had paid Rs. 97,00,000/- after borrowing heavily and, therefore, monetary claim is not satisfied. On the other hand, Mr. Bhandarkar submits that according to the applicants-accused, the amount of Rs. 97,00,000/- was a part of a loan transaction and the loan was advanced to the complainant. In short, the submission is, it is the accused who has to receive a substantial amount from the complainant.

6. It is made clear that the payment made by the applicants-accused and received by the complainant is without prejudice to the respective rights.

7. It would be open for the applicants-accused or the complainant to institute appropriate proceeding to

recover the money claim, if so desired. If such proceeding is instituted either by the applicants or the complainant, the Civil Court shall decide the respective rights and liabilities uninfluenced by the payment made by the applicants-accused and received by the complainant during the pendency of this application.

8. The custodial interrogation of the applicants is in any event unnecessary. The interim protection granted vide order dated 18-2-2021 is made absolute with the only modification that till filing of the charge-sheet, the applicants shall attend the concerned police station if required to do so by the Investigating Officer with notice of 7 days.

9. The application is disposed of.

JUDGE