

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

**CRIMINAL APPLICATION (APPR) N. 246/2019 IN**  
**CRIMINAL REVISION NO. 147/2014**

Jagdish Vithalrao Tembhurkar .vs. State of Maharashtra, through PSO P.S.  
Hinganghat, Dist. Wardha and anr.

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

Court's or Judge's orders.

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Mr. P. P. Kotwal, Advocate for applicant.

**CORAM : V.M. DESHPANDE, J.**

**DATED : JANUARY 12, 2021**

This is an application moved by non applicant no.2-Vidarbha Nagri Sahkari Pat Sanstha, Hinganghat, original complainant seeking permission to withdraw the amount of Rs.65,000/- deposited by accused/revision applicant.

Heard Mr. Kotwal, learned counsel for non applicant no.2-original complainant. For deciding this application, presence of accused is not at all necessary. The State is represented by Mr.Dharmadhikari, learned A.P.P.

Complainant is a cooperative society, which sanctioned loan amount of Rs.1,00,000/- in favour of accused. To repay the amount, cheque was given in favour of the society. However, the said was not honoured by the accused banker with an endorsement that "Account closed". Thereafter, the society/complainant filed a complaint, which was registered as Summary Criminal Case No. 697/2009 in the Court of learned Judicial Magistrate First Class, Hinganghat. The accused was convicted. Against that, Criminal Appeal No. 46/2011 was filed and the learned Sessions Judge, Wardha on 21.08.2014 dismissed the appeal. Against that Criminal

Revision No.147/2014 was filed. The revision is decided by this Court (Coram: M. G. Giratkar, J.) vide judgment dated 23.04.2019. While maintaining the conviction, this Court modified sentence as under:

“Accused is sentenced for a period already undergone in jail. Accused is directed to pay compensation of Rs.1,00,000/- to the complainant.”

In the said judgment, it is observed by this Court that accused has already deposited Rs.90,000/- and therefore he was directed to deposit Rs.10,000/- within two weeks and if he fails to do so, he shall undergo sentence as directed by the trial Court. In the said judgment, this Court directed that the amount of Rs.1,00,000/- be given to the Vidarbha Nagri Sahkari Pat Sanstha, Hinganghat. In pursuant to that, this application is filed.

In the present application, a chart is given by complainant to show that on various dates, the accused has deposited the amount in this Court. Accordingly, the applicant has deposited Rs.65,000/- before this Court and remaining amount is deposited before the trial Court.

In view of the permission given by this Court in Criminal Revision No.147/2014, the application is allowed. Original complainant-Vidarbha Nagri Sahkari Pat Sanstha, Hinganghat is permitted to withdraw the amount of Rs.65,000/- deposited by accused in this Court.

The application is disposed of.

**JUDGE**