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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

964 CRIMINAL APPLICATION NO. 1784 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.90 OF 2022
WITH REVN/90/2022

MADHUKAR VISHWANATH HANDE
VERSUS
LAXMAN BHIKAJI BATTISE AND ANOTHER

Mr Yogesh H. Jadhav, Advocate for applicant;
Mr. H. P. Randhir, Advocate for respondent No.1
Ms V. S. Choudhari, A.PP. for respondent No.2

CORAM : S. G. MEHARE, J.
DATE : 12th July, 2022

PC.

1. The applicant-complainant has applied to withdraw amount of Rs.1,50,000/- deposited by respondent no.1/accused. This amount has been deposited against the order of compensation passed by the learned Magistrate and confirmed by the Sessions Court.
2. The learned counsel for the applicant would submit that having regard to the *prima facie* finding against the respondent No.1, the applicant is entitled to withdraw the said amount.
3. The learned counsel for the respondent no.1/accused has strongly opposed the application contending that the respondent No.1 has good case on merit and he has chances of success in the revision. Therefore, the amount may not be allowed to be withdrawn.

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4. Perused the record and impugned orders passed by the learned Magistrate and the Sessions Court. *Prima facie* findings are recorded that the cheque in question was issued towards the discharge of legally enforceable debt/liability. The compensation of Rs.3,25,000/- was awarded, out of which amount of Rs.1,50,000/- has been deposited.

5. Considering the two consecutive judgments, this Court is of the view that there would be no difficulty in allowing the applicant to withdraw the amount deposited in this Court. However, to guard the apprehension of the respondent No.1, certain conditions may be imposed. Hence, the following order -

- i) The application is allowed.
- ii) The applicant is permitted to withdraw amount of Rs.1,50,000/- with accrued interest, deposited by the respondent No.1 in this Court on furnishing an undertaking that in case of reversal of the impugned Judgment, he would deposit the amount in this Court within four weeks from the date of such order.

6. List the Revision Application on 05.08.2022.

(S. G. MEHARE, J.)

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