

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

**CRIMINAL APPLICATION NO. 2640 OF 2022
IN REVN/222/2016**

**DR UMAKANT S/O SHIVDAS SHETE
VERSUS
WAMAN S/O GOPALRAO AHILWAD AND ANOTHER**

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Advocate for Applicant : Mr. Solanke Shikrashna B.
APP for Respondent/State : Mr. S. P. Tiwari
Advocate for Respondent No. 1 : Mr. Rajiv B. Deshmukh

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**CORAM : BHARAT P. DESHPANDE, J.
DATE : 23rd AUGUST 2022.**

Per Court :

1. This is an application for withdrawal of the amount deposited by the Respondent in this Court as per order dated 18.10.2016.
2. The Respondent filed Revision challenging the order passed by both the Courts below holding him guilty for the offence punishable under Section 138 of the Negotiable Instrument Act. Revision Application is pending for disposal. Applicant is therefore praying that he may be permitted to withdraw the said amount.

3. Learned Counsel for the Respondent submits such permission would be granted subject to furnishing surety.

4. Considering the fact that the matter is pending since 2016 and compensation was awarded of Rs.87,000/- by the Courts below, the Applicant could be permitted to withdraw amount of Rs.30,000/- subject to giving undertaking to this Court that he shall return the said amount as and when called upon and in case the Revision Application is allowed. Hence the following order.

ORDER

(i) The Criminal Application stands allowed.

(ii) The Applicant is permitted to withdraw the amount of Rs.30,000/- on giving undertaking that he shall return the said amount as and when called.

(iii) The Criminal Application stands disposed of accordingly.

[BHARAT P. DESHPANDE, J.]

Najeeb.