

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 397 OF 2016

Mamta W/o Ashok Bhatiya ...Applicant

Versus

The State Of Maharashtra And Anr ...Respondents

WITH

INTERIM APPLICATION NO. 1825 OF 2022

IN

CRIMINAL REVISION APPLICATION NO. 397 OF 2016

Ismail Ali Mohameed Shaikh ...Applicant

Versus

Mamta W/o Ashok Bhatiya a And Anr ...Respondents

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Mr. M. M. Khokhawala a/w Ms. Megha E. Puralkar Advocate for the applicant in IA..

Mr. Anil G. Lalla i/by Lall & Lalla for Original Applicant in Revision.

Mr. S. R. Agarkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 11th AUGUST, 2022

PC :

1. Interim application No. 1825 of 2022 is preferred by original complainant seeking withdrawal of the amount of Rs. 3,60,000/- deposited by respondent No.1 (revision applicant in Revision Application No. 397/2016) in this application
2. The amount has been deposited in the Registry of this Court. The revision application has been preferred

challenging the judgment of conviction under Section 138 of Negotiable Instruments Act which was confirmed by Sessions Court in the appeal preferred by accused. The compensation amount ordered by trial Court was Rs.9,00,000/-.

3. The applicant/complainant is allowed to Withdrawal Rs.3,60,000/- deposited in this Court and Rs.90,000/- deposited in the Sessions Court.

ORDER

(i) The appellant/complainant is permitted to withdraw Rs.3,60,000/- deposited in this Court and Rs.90,000/- deposited in the Sessions Court by revision applicant.

(ii) The withdrawal is subject to condition that in the event judgment of conviction by trial Court and judgment by Sessions Court is reversed by this Court, the amount shall be deposited by applicant/complainant in this Court with accrued interest.

(iii) The revision applicant shall co-operate with the complainant in withdrawal of aforesaid amount.

(iv) Interim Application No. 1825 of 2022 stands disposed of.

(PRAKASH D. NAIK, J.)