

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

**CRIMINAL REVISION APPLICATION NO.114 OF 2022
WITH
INTERIM APPLICATION NO.736 OF 2022
AND
INTERIM APPLICATION NO.2019 OF 2022**

Subhash Ramchandra Jakhale .. Applicant
Versus
Yusuf Kasim Mujawar and Anr. .. Respondents

.....
Mr.Anand Patil, Advocate for the Applicant.

Mr.Aditya S. Raktade, Advocate for Respondent No.1.

Mr.A.R. Patil, APP for Respondent No.2-State.

.....

CORAM : PRAKASH D. NAIK J.

DATED : JULY 01, 2022.

P.C. :

The revision applicant has been convicted for the offence punishable under Section 138 of Negotiable Instruments Act and sentenced to suffer imprisonment till rising of the Court and to pay compensation of Rs.2,00,000/-.

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2 By order dated 7th March, 2022 passed in interim application No.736 of 2022, the sentence awarded by the trial Court and confirmed by the Sessions Court was suspended by way of interim relief and the applicant was permitted to deposit balance amount of

Rs.1,80,000/-, on or before 8th April, 2022. The amount of Rs.20,000/- was deposited at the time of filing Appeal before the Appellate Court. Learned counsel for the revision applicant submitted that the balance amount of Rs.1,80,000/-, has been deposited before the trial Court. He produced the photocopy of the receipt. Thus, the entire amount of compensation has been deposited. The respondent complainant has preferred interim Application No.2019 of 2022, for withdrawal of the amount deposited by the revision applicant/accused.

3 Considering the aforesaid submissions, I pass the following order:

:: ORDER ::

- (i) Criminal Revision Application No.114 of 2022, is admitted;
- (ii) Interim order dated 7th March, 2022, passed by this Court in Interim Application No.736 of 2020, is confirmed and same shall continue till the final disposal of the revision application.
- (iii) Respondent no.1-complainant is permitted to withdraw the amount of Rs.1,80,000/-, deposited by the revision applicant in the trial Court and Rs.20,000/-, deposited

before the appellate Court. The withdrawal shall be subject to outcome of the Revision Application;

(iii) Interim Application Nos.736 of 2022 and 2019 of 2022 stand disposed of;

(iv) Revision Applicant shall co-operate with the respondent-complainant for withdrawal of the amount.

(PRAKASH D. NAIK, J.)