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

**CRIMINAL APPLICATION NO.92 OF 2014
IM
CRIMINAL REVISION APPLICATION NO.171 OF 2013**

P.S. Krishnamurthy ... Applicant
V/s.
The State of Maharashtra ... Respondents

**WITH
CRIMINAL REVISION APPLICATION NO.171 OF 2013
WITH
CRIMINAL REVISION APPLICATION NO.172 OF 2013**

Sudhakar S. Machha ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

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Mr. Manish Bafna with Mr. Aditya Dwivedi i/by A.S.
Khan & Associates for the applicant in REVN.

Mr. A.R. Patil, APP for respondent no.1/State.

Mr. Sagar Talekar for respondent no.2 in REVN and
applicant in APPR/92/2014.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 11, 2022

P.C.:

1. The applicant in Criminal Application No.92 of 2014 is complainant under section 138 of the Negotiable Instruments Act,

1881 seeking withdrawal of the amount deposited by the accused.

2. The learned Magistrate convicted the accused by directing him to pay a sum of Rs. 2,52,500/- as compensation and further directed to suffer simple imprisonment of four (4) months. The said order has been confirmed by the learned Sessions Judge. Criminal revision against the order of conviction and sentence is pending before this Court.

3. The accused has deposited an amount of Rs. 63,125/- before the trial court and Rs. 1,89,375/- before this Court.

4. Taking into consideration the nature of dispute and the fact that the accused has been convicted by both the Courts below, the applicant has made out a case for grant of permission to withdraw the amount of compensation. Hence, following order:

The complainant (applicant in Criminal Application No.92 of 2014) is permitted to withdraw the amount of Rs. 63,125/- deposited before the trial Court and Rs. 1,89,375/- deposited before this Court along with accrued interest on both the amounts, subject to furnishing an undertaking without four weeks from today that in case the applicant succeeds in the revision application, the complainant shall reimburse the entire amount withdrawn along with interest at the prevalent bank rate till the date of reimbursement.

5. Criminal Application No.92 of 2014 is disposed of in above terms. No costs.

(AMIT BORKAR, J.)