

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

**INTERIM APPLICATION NO. 1139 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 251 OF 2018**

M/s. RML Sons And Anr. ...Applicants
Versus
M/s. Shree Balaji Syncot Private
Limited And Anr. ...Respondents

....

Mr. Sushil K. Chaurasia i/by SKC Legal, Advocate for the Applicants in I.A.

Mr. Chaula Solanki a/w Adv. Rinky Kanojia i/by H. H. Nagi, Nagi and Associates, Advocate for Respondents.

Mr. A. R. Patil, APP for the Respondent – State.

....

CORAM : PRAKASH D. NAIK, J.

DATE : 29th JULY, 2022.

PER COURT:

1. This is an application for withdrawal of the amount deposited by the revision applicant in the sum of Rs.2,92,000/- during the pendency of appeal before the Sessions Court and Rs.10,00,000/- as per directions of this Court.

2. Learned Advocate for the revision applicant submitted that the revision applicant is out of station and sought time. The prayer in this application is for withdrawal of amount. Hence, request for adjournment cannot be granted.

3. Learned Advocate for the revision applicant then submitted that, in the event, the Court allows the withdrawal of the amount, the complainant be directed to refund the entire amount with accrued interest therein, in the event, the judgment of conviction is reversed by this Court in revision application.

4. Considering the fact that the cheques were issued in the year 2014 and there is concurrent findings of two Courts convicting the revision applicant, the applicant/complainant herein can be allowed to withdraw the amount of Rs.12,92,000/- on a condition that, in the event the impugned judgments are set aside and the accused is acquitted, the entire amount would be deposited in the Court along with accrued interest.

5. Interim Application stands disposed of.

6. Revision Applicant shall cooperate with the complainant for withdrawal of amount.

7. The trial Court shall act on authenticated copy of this order.

(PRAKASH D. NAIK, J.)