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

**INTERIM APPLICATION 1321 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 49 OF 2022**

Habib Abbas Fakhrih ...Applicant

In the matter between

Altaf Yusuf Naik ...Applicant

Versus

The State of Maharashtra & anr. ...Respondents

Mr. Gaurav Parkar, for the Applicant in REVN/49/2022.

Mr. Habib Fakih, Applicant/Respondent no.2, present.

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

CORAM: N. J. JAMADAR, J.

DATED : 26th APRIL, 2022

PC:-

1. Heard the learned Counsel for the applicant – original complainant and the learned Counsel for the respondent – accused - revision applicant.

2. This application is preferred to seek permission to withdraw the sum of Rs.30,00,000/- deposited by the accused – revision applicant in this Court in pursuance of the order passed by this Court on 20th January, 2022.

3. The applicant – complainant has been permitted to withdraw the amount of compensation, which had been earlier deposited by the accused – revision applicant.

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4. As of now more than 35% of the amount of compensation awarded by the learned Magistrate yet remains outstanding. Having regard to the pendency of the proceedings, it would be expedient to allow the applicant – original complainant – Habib Fakih, to withdraw the amount of Rs.30,00,000/- deposited by the accused – revision applicant.
5. Hence, the application stands allowed.
6. Mr. Habib Fakih - original complainant is permitted to withdraw the amount of Rs.30,00,000/- on furnishing an undertaking that he will bring back the amount in the event this Court interferes with the order of the Courts below.
7. The application disposed.

[N. J. JAMADAR, J.]