

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

**INTERIM APPLICATION NO. 2219 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 54 OF 2022**

Prakash Nivrutti Karpe	...Applicant
Versus	
Chirag Honaji Dhum And Anr	...Respondents

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Mr. Akshay Bankapur, Advocate for the Applicant in IA.

Mr. Satyajeet P. Dighe Advocate for Respondent In IA.

Mr. Arfan Sait, APP for the Respondent – State.

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by
DNYANESHWAR
ASHOK ETHAPE
Date:
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CORAM : PRAKASH D. NAIK, J.

DATE : 26th SEPTEMBER, 2022

PC :

1. This is an application for withdrawing the amount deposited by respondent No.1/original revision applicant in this application. In accordance with order dated 24.01.2022, the revision applicant has deposited amount of Rs. 13,55,000/- in this Court.

2. The revision applicant has been convicted for an offence punishable under Section 138 of the Negotiable Instruments Act. The appeal has been dismissed and the revision application is preferred before this Court challenging the judgment of conviction. The sentence has

been suspended by this Court vide order dated 24.01.2022.

3. It is submitted that the applicant/original complainant may be permitted to withdraw the amount deposited by accused/revision applicant.

4. Learned advocate for the revision applicant submitted that the applicant may be permitted to withdraw the amount on condition that, in the event judgment of conviction is reversed, the complainant would deposit the said amount.

5. In the above circumstances, I pass the following order.

ORDER

(i) Interim Application No. 2219 of 2022 is allowed and disposed off.

(ii) The amount of Rs. 13,55,000/- deposited by revision applicant in this court is allowed to be withdrawn by complainant.

(iii) Withdrawal of amount shall be subject to outcome of the revision application.

(iv) In the event, the judgment of conviction is set aside, the complainant will have deposited the said amount in this Court.

(PRAKASH D. NAIK, J.)