

Anand

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

**INTERIM APPLICATION NO. 2641 OF 2022
IN
WRIT PETITION NO. 1203 OF 2020**

Deepak H. Khanted .Applicant

IN THE MATTER BETWEEN

Naresh Kumar Bhavarlalji Mehta .Petitioner

Vs.

The State of Maharashtra .Respondent

Mr. Ashok M. Chopra a/w Ms Vinita Jain, Advocate, for the
Applicant

Mr. Milan Desai i/b. Mr. T. R. Patel, Advocate, for the Original
Petitioner/Respondent

Mrs. G. P. Mulekar, APP, for the Respondent – State

CORAM : AMIT BORKAR, J.

DATE : 13.10.2022

P. C.

. This is an Application filed by the Original Complainant in a proceeding filed under Section 138 of the Negotiable Instruments Act. The Original Applicant who has filed the present Revision Application has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act by both the Courts below. As a condition for suspending sentence, the Original Applicant has deposited Rs. 4,00,000/- in this Court and Rs. 1,00,000/- in the Revisional Court.

2. Considering the fact that the Applicant is the Original Complainant in a proceeding filed under Section 138 of the Negotiable Instruments Act and the amount has been deposited under Section 143A of the Negotiable Instruments Act, as & by way of condition for suspension of sentence, the Applicant has made out a case for permission to withdraw the amount subject to condition.

3. I, therefore, proceed to pass the following order.

ORDER

- (i) Application is allowed;
- (ii) The Applicant is permitted to withdraw an amount of Rs. 5,00,000/- (Rupees Five Lakh Only) from the Sessions Court along with accrued interest;
- (iii) The Applicant shall furnish an undertaking to this Court within a period of two weeks from today stating therein that in case, the decision in W. P. No. 1203 of 2020 goes against the Applicant, the Applicant shall re-imburse the amount to the Accused along with accrued interest at the Bank rate.

4. The Application stands disposed of accordingly.

(AMIT BORKAR, J.)