

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

**INTERIM APPLICATION NO. 2824 OF 2021  
IN  
CRIMINAL REVISION APPLICATION NO. 575 OF 2021**

Bharama Patil

...Applicant/  
Org.Respondent

Versus

Vasantrao Moperkar

...Respondent

Mr. Mahesh Patil for the Applicant in Revision Application  
Ms. Saba Khan for Intervener/Applicant in Interim Application.  
Mr. A.D. Kamkhedkar for the respondent/State.

**CORAM : AMIT BORKAR, J.**

**DATED : 16<sup>th</sup> NOVEMBER, 2022**

YUGANDHARA  
SHARAD  
PATIL

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by YUGANDHARA  
SHARAD PATIL  
Date: 2022.11.18  
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**PC.:**

1. The application is filed by the complainant in proceedings under Section 138 of Negotiable Instruments Act, 1881.
2. Learned Magistrate by Judgment and order dated 8<sup>th</sup> April 2015, convicted and sentenced the accused for offence under Section 138 of Negotiable Instruments Act, 1881 and directed the accused to pay amount of Rs. 4 lakhs towards compensation under Section 357(1) of Code of Criminal Procedure, 1973. The Appeal filed against the said Judgment has been dismissed and, therefore, the accused has filed present Revision Application. During pendency of present proceedings, the accused has

deposited amount of Rs. 3 lakh before this Court.

3. Considering the nature of proceedings and the applicant being complainant, permission to withdraw the amount of compensation deserves to be granted. I, therefore, pass following order.

- (i). The applicant is permitted to withdraw amount of Rs.3 lakh alongwith accrued interest thereon, subject to filing of undertaking within four weeks from today that in case the Revision Application is decided in favour of the accused, the applicant shall reimbursed the accused with the amount withdrawn alongwith interest at prevalent bank rate.
- (ii). The application stands disposed of.

**(AMIT BORKAR, J.)**