

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

**INTERIM APPLICATION NO. 1452 OF 2019
IN
CRIMINAL WRIT PETITION NO. 2184 OF 2008**

Jigar Kantilal Gada ...Applicant
Versus
Mulchand Ramji Saiva and Anr. ...Respondents

**WITH
INTERIM APPLICATION NO. 1455 OF 2019
(Not on board)
IN
CRIMINAL WRIT PETITION NO. 2182 OF 2008**

Kantilal Damji Gada ...Applicant
Versus
Mulchand Ramji Saiva and Anr. ...Respondents

....

Mr. Suryaprakash Mishra for applicant in both matter.
Mr. V. K. Sharma advocate for respondent No.1 in both matter.
Mr. S. R. Agarkar, APP for the Respondent – State.

....

CORAM : PRAKASH D. NAIK, J.

DATE : 27th July, 2022

PC :

1. Interim applications are preferred by the original accused for withdrawal of the amount deposited in this Court towards the compensation imposed for conviction under Section 138 of the NI Act.
2. The applicants had preferred Criminal Writ Petition No. 2184 of 2008 and 2182 of 2008 challenging the judgment

passed by trial Court and the Sessions Court convicting the applicants for the offence under Section 138 of the NI Act. Both the petitions were disposed of. Dispute was settled and claims of the complainant is satisfied. It was agreed by the parties that the amount deposited by the applicant before this Court can be withdrawn by applicant.

3. Interim Application No. 1452 of 2019 is preferred in Criminal Writ Petition No.2184 of 2008. In connection with that proceedings, the applicant had deposited Rs.1,75,000/- in this Court. Whereas in connection with proceedings in Interim Application No. 1455 of 2019 in Criminal Writ Petition No.2184 of 2008, the applicant had deposited Rs. 1,76,250/-.

4. Learned counsel for the original complainant confirmed the aforesaid aspects. In these circumstances, the applicants are allowed to withdraw the amount of Rs. 1,75,000/- and 1,76,250/- by respective applicant, which has been deposited in this Court along with accrued interest thereto.

5. Interim Applications stand disposed of.

(PRAKASH D. NAIK, J.)