

VRJ

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

**INTERIM APPLICATION NO.367 OF 2019
IN
CRIMINAL REVISION APPLICATION NO.233 OF 2018**

Nooruddin Allauddin Choudhary	... Applicant
V/s.	
Farid Nazir Ahmad Khan & Anr.	... Respondents

Mr. Ramesh D. Chheda for the applicant.

Mr. R.M. Pethe, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 14, 2022

P.C.:

1. The complainant in a proceeding under Section 138 of Negotiable Instruments Act, 1881 had filed present application seeking withdrawal of an amount of Rs.3,53,000/- deposited in this Court while suspending the sentence of the accused.

2. Since the applicant is a complainant and considering scheme of section 138 of Negotiable Instruments Act, 1881 and the accused having been convicted by both the courts, the applicant has made the case for grant of permission to withdraw the amount deposited. Hence, the following order:

a. The applicant is permitted to withdraw an amount of

Rs.3,53,000/- on furnishing an undertaking within four (4) weeks from today stating that in case the revision application is decided against the present applicant, he will reimburse the accused with the amount withdrawn along with interest at the prevalent bank rate.

3. The interim application is disposed of in above terms. No costs.

(AMIT BORKAR, J.)