

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION 8150 OF 2019

(Dr. Ramesh Tukaram Raikwar..vs..State, thr PSO, Paratwada and ors)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. S.M. Vaishnav, counsel for petitioner.
Ms. T.H. Khan, AGP for respondent 1.
Mr. P. Bansod, counsel for respondents 2 to 4.

CORAM: ROHIT B. DEO AND ANIL L. PANSARE, JJ.

DATE: 24.08.2022

We have perused the praecipe filed on behalf of the respondents 2 to 4, paragraphs 1 and 2 of which read thus:

"1. That at this point of time only Rs.2,12,144.19 Ps. is credit balance of A/C. No. 1121102000010690 in the name of Apollo Value is lying with the respondent no. 4/Bank. A copy of statement of account is filed herewith at Annexure-R-4-A.

2. Considering the supra facts it is not possible for the respondent No. 4/Bank to comply with the direction to release Rs. 2,50,000/- in favour of the petitioner. Accordingly the instant petition be disposed off with the appropriate directions or order, that may be complied by the respondent no.4."

2. Considering that even according to respondent 4 – Bank Rs. 2,12,144.19 (Rupees Two Lac Twelve Thousand One Hundred Forty Four and Nineteen Paise) is lying in the account of Apollo Value, we see no difficulty in directing respondent 4 to

hand over the said amount to the petitioner, in view of the order dated 10.9.2018 rendered by the learned Judicial Magistrate First Class, Court-2, Achalpur and the subsequent order dated 8.2.2019.

3. The petition is disposed of with the direction that the amount lying in the account of Apollo Value be handed over to the petitioner within the next two weeks.

4. We clarify that since the learned Magistrate has directed that amount of Rs. 2,50,000/- (Rupees Two Lac Fifty Thousand) be handed over to the petitioner, in so far as the shortfall is concerned, the petitioner can pursue such remedy as is available in accordance with law.

(ANIL L. PANSARE, J.)

(ROHIT B. DEO, J.)

Belkhede