

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**17 CRIMINAL WRIT PETITION NO. 266 OF 2020 WITH
CRIMINAL APPLICATION NO.2649 OF 2021
IN WP/266/2020**

**RAKESH S/O. ASHOKKUMAR KASLIWAL THRSPECIAL POWER
OF ATTORNEY HOLDER ALKESH S/O. ASHOKKUMAR
KASLIWAL
VERSUS
PANKAJ S/O. NANDLAL CHUDIWAL**

Mr. S. G. Dodya, Advocate for the applicant
Mr. Govind A. Kulkarni, Advocate for the respondent

CORAM : KISHORE C. SANT, J.

DATE : 09th JANUARY, 2023

P. C.

1. The petitioner who is accused in the case filed under Section 138 of the Negotiable Instruments Act was directed to deposit lump sum Rs.2,00,000/- by an order dated 15-02-2019 passed by the learned JMFC, Aurangabad in view of section of 143A of the N.I. Act. The petitioner accordingly, deposited the amount. However, later on in view of the judgment passed by the Hon'ble Apex court in the case of *G. J Raja Vs Tejraj Surana dated 30-07-2019* he realized that the provision of section 143A has prospective operation and is not applicable to the cases already instituted. In this view he prayed that the amount be refunded to him and complainant should not be allowed to withdraw the amount.

2. The learned advocate for the respondent made fair proposal that till the trial is over, he will not withdraw the amount deposited by the petitioner in the trial court and in view of that he submits that the petition can be disposed off by recording his statement. The learned advocate for the petitioner also fairly accepts this proposal. Both the parties prayed to expedite the trial of SCC No.6699 of 2018 pending in the court of learned JMFC, Aurangabad.

3. In view of above, the petition is disposed off by directing the respondent that respondent shall not withdraw the amount deposited in the trial court by the petitioner pursuant to order dated 15-02-2019 passed by the learned JMFC, Aurangabad till the trial is over. The learned trial court is requested to dispose off the proceeding of SCC No. 6699 of 2018 as early as possible preferably within a period of six months. The trial court to pass a specific order with reason in respect of amount which is deposited by the petitioner. In view of disposal of the criminal writ petition, pending criminal application stands disposed off.

[KISHORE C. SANT, J.]