

(1)

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

**CRIMINAL APPLICATION NO.2040 OF 2023
IN REVN/235/2022**

ASHA W/O SUNIL JADHAV
VERSUS
KANCHAN W/O. GORAKH CHANDAN AND ANOTHER

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Advocate for Applicant : Ms. Zaware Suvarna M.
APP for Respondent/State : Mr. S.P. Deshmukh
Advocate for Respondent No.1 : Mr. V.S. Mandal h/f Mr. S.R. Andhale

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CORAM : S.G. MEHARE, J.

DATED : JULY 10, 2023

PER COURT:-

1. Heard learned counsel for the applicant and learned counsel for respondent no.1.
2. The respondent no.1 has been convicted under Section 138 of Negotiable Instruments Act. There are two concurrent judgments against the respondent. *Prima facie*, the applicant is entitled to receive the money from respondent no.1. Hence, the following order :

ORDER

- (i) Criminal Application is allowed.
- (ii) The applicant is allowed to withdraw Rs.25,000/- deposited by respondent no.1 with this Court, on the undertaking that she would deposit the money within 15 days, if the judgment is reversed.
- (iii) Office to pay Rs.25,000/- to the applicant as mentioned above.

(2)

(iv) List the criminal revision application on 20.08.2023.

(S.G. MEHARE, J.)