

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

**INTERIM APPLICATION NO.1017 OF 2020
IN
CRIMINAL REVISION APPLICATION NO.398 OF 2019**

Bilal Ahmed Ansari ... Applicant/Complainant
(Ori. Respondent No.2)

Versus

Mohammed Fahim Abdul
Rehman Shaikh and Anr. ... Respondents

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Ms. Sharon Patole i/b A.A. Ansari, for the Applicant/Complainant.

None for Respondent No.1.

Ms. G. P. Mulekar, APP, for the Respondent No.2-State.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 5th DECEMBER, 2023.

P.C.

This is an application by the respondent/original complainant seeking withdrawal of an amount of Rs.10,00,000/- deposited by the original accused in the Metropolitan Magistrate, 33rd Court, Balard Pier, Mumbai. This is a case under Section 138 of the Negotiable Instruments Act.

2 It is submitted by the learned Counsel for the applicant/ complainant that the complainant had suffered financial loss since more than 8 years. He is residing on Leave and Licence basis. She also submits that the applicant is a senior citizen and if an amount of Rs.10,00,000/- is released in his favour, then he will get some relief and support.

3 None for the original accused.

4 Application is allowed in terms of prayer clause (b).

5 The applicant shall give an undertaking that the withdrawal would be subject to outcome of the Revision Application and in case the accused succeeds, the complainant would refund the amount with interest as would be determined by this Court at the time of final disposal of the Revision Application.

6 The Application is disposed of.

[PRITHVIRAJ K. CHAVAN, J.]