

Nikita

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

**INTERIM APPLICATION NO.1397 OF 2023
IN
CRIMINAL REVISION APPLICATION (ST.) NO.3586 OF 2020**

Archana Dilip Varne ... Applicant
V/s.
Arjun Kiran Bhambure & Anr. ... Respondents

Mr. Dheeraj D. Patil for the Applicant/Intervener in
Interim Application No.1397 of 2023.

Mr. Yuvraj N. for Applicant in Criminal Revision
Application No.3586 of 2020.

Mr. Arfan Sait, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 18, 2023

P.C.:

1. The application is by complainant in a proceedings under Section 138 of Negotiable Instruments Act, 1881. The revision applicant having been convicted and sentenced by courts below as present revision application. During pendency of proceedings, the applicant accused has deposited amount of Rs. 1,00,000/- before the learned Trial Court.
2. The complainant is therefore seeking withdrawal of the amount of Rs.1,00,000/-.
3. Considering the scheme of Negotiable Instruments Act, 1881,

and the judgment and orders passed by the Courts below, applicant has made out a case for grant of permission to withdraw the amount subject to filing of undertaking.

I therefore pass following order:

4. The applicant is permitted to withdraw Rs.1,00,000/- deposited with the Trial Court, subject to filing of undertaking within four weeks from today, stating that in case the revision application is decided against the applicant, she will reimburse the entire amount withdrawn along with interest at prevalent bank rate.
5. The interim application stand disposed of in above terms. No costs.

(AMIT BORKAR, J.)