

Nikita

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

**INTERIM APPLICATION NO.1276 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.195 OF 2021**

Sudarshan Saraogi ... Applicant

V/s.

The State of Maharashtra and Ors. ... Respondents

**WITH
INTERIM APPLICATION NO.2592 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.195 OF 2021
WITH
INTERIM APPLICATION NO.4614 OF 2022
IN
CRIMINAL REVISION APPLICATION NO.195 OF 2021
WITH
INTERIM APPLICATION NO.2594 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.195 OF 2021
WITH
CRIMINAL REVISIONAL APPLICATION NO. 197 OF 2021
WITH
INTERIM APPLICATION NO.2591 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.197 OF 2021
WITH
INTERIM APPLICATION NO.2593 OF 2021
IN
CRIMINAL REVISION APPLICATION NO.197 OF 2021
WITH
CRIMINAL REVISION APPLICATION NO.196 OF 2021
WITH
INTERIM APPLICATION NO.2589 OF 2021
IN
CRIMINAL REVISION APPLICATION NO. 196 OF 2021
WITH
INTERIM APPLICATION NO.2590 OF 2021**

**IN
CRIMINAL REVISION APPLICATION NO.196 OF 2021**

Rajeev Lalchand Goyal and Anr.	... Applicants
V/s.	
Sudarshan Saraogi and Anr.	... Respondents

Mr. Jatin Shah a/w Girish B. Kedia, Mr. Manoj Agre, Ms. Snehankita Munj for Applicants in Interim Application No.1276 of 2023 and for Respondent No.1 in Criminal Revision Application No.195, Criminal Revision Application no.196 of 2021, and Criminal Revision Application No.197 of 2021.

Ms. Sakshi Mane i/b Kiran Varma for Respondent.

Mr. M.G. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 6,2023

P.C.:

INTERIM APPLICATION NO.1276 of 2023

1. Not on board. Taken on board.
2. The complainant in a proceedings under Section 138 of Negotiable Instruments Act, 1881 has filed present application seeking withdrawal of amount of balance amount of fine while convicting and sentencing the accused. The accused has been convicted and sentenced by courts below, according thereby he has file present application. During the pendency of proceedings, accused has deposited Rs.1,32,00,000- with interest in this Court.

The Complainant is therefore seeking withdrawal of the said amount. Considering the facts that the accused has been convicted and sentenced by the courts below in the proceedings under Section 138 of Negotiable Instruments Act, 1881 and after going through the judgment and order, applicant made out a case for withdrawal of the amount furnishing subject to undertaking. Hence following order:

3. The applicant is permitted to withdraw the amount of Rs. 65,57,680/- along accrued interest, subject to furnishing of undertaking to this Court stating that in case the revision is decided against the applicant he will reimburse the accused entire amount withdrawn along with the interest at the prevalent bank rate.

4. The interim application stands disposed of. No costs.

(AMIT BORKAR, J.)