

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

**INTERIM APPLICATION NO.2859 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.58 OF 2023**

Jivaba Pandurang Gavade	...Applicant
Versus	
Amit Madan Naik & Anr	...Respondents

Mr. Shreyas Deshpande, i/b Ninad Deshpande, for Applicant.
Mr. Arfan Sait, APP, for State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 22nd AUGUST 2023**

PC :

1. This Interim Application is filed by the original Complainant who is the Respondent No.1 in the original Criminal Revision Application No.58 of 2023. The Complainant has deposited Rs.10 lakhs in this Court. This Application is for withdrawal of that amount by the Complainant. The Revision Applicant was the original Accused in S.C.C. No.13329 of 2015 before the 22nd Judicial Magistrate First Class, Pune. At the conclusion of the trial, he was directed to pay compensation of Rs.10 lakhs to the Complainant. The Appeal preferred by the

Revision Applicant was dismissed by the Sessions Court and therefore, the Revision Application is filed in this Court. The Revision Application is admitted by a separate order. In the mean time, the Applicant has deposited Rs.10 lakhs in this Court pursuant to the earlier orders passed by this Court. The amount is lying in this Court. The original Complainant has two orders in his favour passed by the trial Court as well as the Appellate Court. Therefore, in the interest of justice, it is necessary that the Complainant is permitted to withdraw substantial amount deposited by the Revision Applicant in this Court. However, since the Revision Application is pending, the Complainant- Respondent No.1 in the original Criminal Revision Application No.58 of 2023 and the present Applicant, is required to execute an undertaking that such withdrawal would be subject to the outcome of the Criminal Revision Application No.58 of 2023. At the same time reasonable amount will have to be secured in case the Revision is allowed.

2. Hence, the following order:

O R D E R

- i) The Applicant- Jivaba Pandurang Gavade, who is the original Complainant is permitted to withdraw the amount of Rs.8 lakhs out of Rs.10 lakhs which the original Criminal Revision Applicant- Amit Madan Naik has deposited in this Court; on the Applicant executing an undertaking that such withdrawal is subject to the final outcome of the Criminal Revision Application.
- ii) The remaining amount of Rs.2 lakhs shall be invested in a fixed deposit in any nationalized bank to be renewed from time to time.
- iii) With these directions, the Interim Application is disposed of.

(SARANG V. KOTWAL, J.)