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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL REVISION APPLICATION NO.376 OF 2022
ALONG WITH
CRIMINAL INTERIM APPLICATION NO.3348 OF 2022
(SUSPENSION OF SENTENCE)**

Bhaurao Shankar Khute	..	Applicant
v/s.		
State of Maharashtra & Anr.	..	Respondents

....

Mr. Harshad M. Inamdar, for the Applicant.

Mr. Sanjay Prabhakar Shinde, for Respondent No.2/complainant.

Mr. A.R. Patil, APP, for State.

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CORAM: R.G. AVACHAT, J.

DATE : 9 FEBRUARY 2023.

P.C:-

This Court, vide order dated 4 October 2022, directed the Applicant to deposit the sum of Rs.1,70,000/-. It was a condition for grant of suspension of substantive sentence of imprisonment. The Applicant had already deposited Rs.34,000/- in the trial court and Rs.50,000/- in this Court. The balance amount of Rs.86,000/- is paid in cash to learned Advocate for the Respondent/complainant. Learned

Advocate assures this Court that the amount would soon be paid to the Respondent by depositing in his bank account. Learned Advocate shall place on record pay in slip indicating the amount to have been deposited in the account of the Respondent/complainant.

2. Since the order dated 4 October 2022 was conditional and was not fully complied with, the Applicant is said to have been arrested. He be released on his executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand Only) and Surety Bond in the like amount. Pending the revision application, substantive sentence of imprisonment to stand suspended.

3. It is informed that since the entire amount to be deposited in the trial court has now been paid to the Respondent/complainant, the parties, through their Advocates, submit to treat the matter to have been settled.

4. In view of the statements made by the learned Advocates, this revision application is allowed. The Applicant/accused stands acquitted of the offence punishable under Section 138 of the N.I. Act. The amount (Rs.25,000/-) which has been deposited by the Applicant in this Court, be paid back to him immediately. The amount in deposit either in trial court and with this Court be paid to the Respondent/complainant along with interest accrued thereon.

5. Criminal Revision Application No.376 of 2022 and Interim Application No.3348 of 2022 stand disposed of.

6. List the matter on 16 February 2023 for compliance. That time, the complainant has to be before the Court in person.

(R.G. AVACHAT, J.)