



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APPR) NO.310 OF 2023

[M/s. Gandhi Sales Corporation .Vs. Asha Kishorilal Banarasi]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Ms S. Tiwari, Adv. h/f Mr A. R. Prasad, Advocate for Applicant.

Mr S. Khan, Adv. h/f Mr M. Shareef, Advocate for Non-Applicant.

CORAM : ANIL L. PANSARE, J.

DATE : 19th OCTOBER 2023.

1. By present application, the Non-Applicant - original complainant is seeking to withdraw an amount of Rs.1,00,000/- deposited by the Applicant - Accused before the Trial Court in pursuance of order dated 16th February, 2022 passed by this Court, while suspending the sentence.

2. Both the Courts below are against the Applicant. He has been convicted for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (In short, "NI Act"). As could be seen from the record, the amount has been deposited, in terms of the order passed by this Court. Since both the Courts below are against the Applicant and considering the relevant provisions including the provisions under Section 148 of the NI Act, the Non-Applicant is permitted to withdraw the amount as prayed for upon his furnishing undertaking that in case

the order in the present application is adverse to the Non-Applicant, he shall deposit the amount along with interest @ 6% per annum from the date of withdrawal, till it is redeposited.

3. The application is disposed of in above terms.

JUDGE