



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

CRIMINAL APPLICATION (APPP) NO.1514/2023

IN

CRIMINAL APPLICATION (APL) NO.791/2019

Bharti w/o Sudhir Jambhulkar and anr

..VS..

State of Mah., thr.PSO Jaripatka Nagpur, District Nagpur and anr

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

Court's or Judge's Order

.....
Shri Sumeet Parate, Counsel for Applicants.
Shri N.S.Rao, APP for NA No.1/State.
Shri Sanket Bhalerao, Counsel for NA No.2.

CORAM : AVINASH G.GHAROTE & URMILA JOSHI-PHALKE, JJ.

DATE : 27/09/2023

1. By this application, applicants Atul Laxmanrao Kshirsagar and Vandana Santosh Kathane, who are prosecution witnesses, are seeking directions to disburse amounts in their bank accounts as per orders dated 7.10.2019 and 21.10.2022, passed by this court in Criminal Application No.791/2019.

2. The applicants in Criminal Application No.791/2019 had filed application for quashing of First Information Report and criminal proceedings initiated vide Crime No.671/2019 at Jaripatka Police Station upon report dated 27.5.2019 lodged by present applicant Atul Laxmanrao Kshirsagar for offences punishable under Sections 420, 468, and 471 read with Section 34 of the Indian Penal Code.

3. The application for quashing was decided by order dated 18.11.2022 by which First Information Report No.671/2019 was quashed and set aside. It was further directed that amount, deposited by applicants in Criminal Application No.791/2019, Rs.2,40,000 and Rs.8,80,000, be disbursed to applicants, Atul Kshirsagar and Vandana Kathane, in this application, and their relative Shilatai Banduji Urkude.

4. In view of the above said order, the present application is filed for seeking directions to disburse the amount in their accounts. As per the contentions of applicants, applicant No.1 Atul is entitled to withdraw amount Rs.2,45,000. Whereas, applicant No.2 Vandana is entitled to withdraw amount Rs.5,35,000/-.

5. By order dated 13.9.2023, a coordinate bench of this court observed that if they accept prayer of applicants of being entitled to withdraw as has been stated in the First Information Report, it amounts to modify order dated 18.11.2022 and directed that the matter be placed before this bench.

6. We have perused order dated 18.11.2022 passed in Criminal Application No.791/2019 by which applicants in this application along with Shilatai Banduji Urkude were held to be

entitled to receive the amount. We have also perused the First Information Report. As per allegations, the present applicants have paid consideration amount to purchase plot. Applicant No.1 Atul have paid Rs.2,53,050/-. Whereas, applicant No.2 Vandana paid Rs.2,25,000 and Rs.3,62,075/- towards consideration amount to purchase plot Nos.59 and 127. Whereas, one Shilatai Urkude paid Rs.3,50,000/- to purchase plot No.70. Now, applicant No.1 is seeking direction to disburse amount in his account of Rs.2,45,000/- and applicant No.2 is seeking direction to disburse amount in her account of Rs.5,35,000 along with the accrued interest. Total amount deposited is Rs.11,20,000/-. As such, the applicants are entitled to receive the amount as prayed.

7. Registry shall disburse amounts Rs.2,45,000/- to applicant No.1 Atul Laxmanrao Kshirsagar and Rs.5,35,000/- to applicant No.2 Vandana Santosh Kathane with interest accrued thereon, if any, on due verification and identification. The said amounts be disbursed in their bank accounts.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)

(AVINASH G.GHAROTE, J.)