



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 2247 OF 2024 IN REVN/376/2023

KEWALRAM HAJARIMAL AND CO. PROPRIETOR SOMESH GANESHLAL
AGRAWAL

VERSUS

ROYAL AGRO INDUSTRIES PROPRIETOR SHAIKH IRFAN SHAIKH ASIF

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Advocate for Applicant : Mr. R. R. Imale
Advocate for Respondent : Mr. Tapan Sant

...

WITH CRIMINAL REVISION APPLICATION NO. 376 OF 2023

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CORAM : S. G. MEHARE, J.

DATE : 01-08-2024

PER COURT :-

1. Mr. Tapan Sant, learned counsel has instructions to appear for the respondent in Criminal Application and the Applicant in Revision Application. Hence, the appearance of Mr. Abhaysinh K. Bhosle, learned counsel for the for the respondent in Criminal Application and the Applicant in Revision Application stands discharged.

2. The complainant has applied for withdrawal of amount of Rs.2,25,000/- deposited as per order of this Court.

3. Mr. Imale, learned counsel for the applicant submits that out of Rs.8,79,107/-, small amount of Rs.2,25,000/- has been deposited with the trial Court. There are two consecutive judgments against the respondent/accused under Section 138 of

the Negotiable Instruments Act. *Prima facie*, the applicant/complainant is entitled to receive the money. Hence, he may be granted permission to withdraw the amount.

4. Mr. Sant, the counsel for the respondent/accused has strongly opposed the application contending that the applicant/complainant has no good case on merit. The applicant/complainant is not entitled to receive the amount.

5. Considering the nature of the matter and the amount involved in the dispute, if the applicant/complainant is permitted to withdraw the amount of Rs.2,25,000/-, no prejudice would be caused to the respondent/accused. Hence, the order :-

ORDER

- i) Criminal Application is allowed.
- ii) Applicant/complainant is permitted to withdraw the amount of Rs.2,25,000/- deposited with the trial Court on the undertaking that he would redeposit the amount, if the impugned judgments and orders are reversed.
- iii) The learned trial Court is directed to release the amount to the applicant as per above clause.
- iv) List the Revision Application No.376 of 2023 on 03.09.2024.

(S. G. MEHARE, J.)
JUDGE