



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CRIMINAL APPLICATION NO. 4387 OF 2024
IN REVN/91/2024**

LAXMIKANT MOHANRAO SURVE

VERSUS

AMIT SUBHASH PARDESHI

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Advocate for Applicant : Mr. D. S. Manorkar

Advocate for Respondent : Mr. S. A. Ambad

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CORAM : ABHAY S. WAGHWASE, J.

Dated : December 03, 2024

PER COURT :-

1. Instant application is filed by applicant seeking permission to withdraw the amount deposited by respondent-accused, as a result of conviction awarded vide judgment and order dated 06.02.2019 in S.C.C. No. 2508 of 2017, under Section 138 of the Negotiable Instruments Act.

2. It is submitted by learned counsel for applicant that respondent filed Criminal Application No. 1310 of 2024 (for suspension of sentence and grant of bail) alongwith revision application. While allowing the said criminal application for suspension of sentence and bail, this Court has directed the present respondent to deposit 50% of the total compensation amount. As directed by learned Additional Sessions Judge, 25% of total compensation amount has already been deposited by respondent in trial Court. Now, as 50% of total compensation amount has been

deposited by respondent, applicant filed this application for withdrawal of the said amount.

3. Learned counsel for respondent appeared and admitted about amount being deposited. Though he initially objected the application stating that total amount of compensation is some odd amount i.e. Rs. 8,05,650/-, even total 50% amount has not been deposited, later on, he fairly submitted that he has no objection for withdrawal of amount deposited in the Court.

4. In view of the above and as revision application is pending, prayer raised in the application at Prayer Clause 'B' is required to be allowed. Accordingly, application is allowed in terms of Prayer Clause 'B' subject to furnishing undertaking by applicant to the effect that he will deposit aforesaid amount in case of dismissal of revision application.

5. Criminal application is disposed of accordingly.

(ABHAY S. WAGHWASE, J.)

Okj