

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 2937 OF 2023
IN
CRIMINAL REVISION APPLICATION NO. 587 OF 2018

Jamir Masumsab Shaikh	...Applicant
Versus	
M.d Hanif A. Ajij Bendre And Anr.	...Respondents

Mr. Ujjwal Agandsurve Advocate for Applicant in IA.
Mr. Ishan Paradkar h/f Ms. Sairuchita Chwdhary for Applicant in
Revision Application.
Mr. Arfan Sait, APP for Respondent-State.

CORAM : PRAKASH D. NAIK, J.

DATE : 9th JANUARY, 2024

P.C.:-

1. This application is preferred by original complainant for withdrawal of amount of Rs.1,30,000/- deposited by revision applicant before the trial Court.
2. The revision applicant has been convicted for offence under Section 138 of Negotiable Instruments Act vide judgment and order dated 29th October 2015 passed by learned trial Court which was confirmed by the Sessions Court vide judgment and order dated 22nd October 2018.
3. Learned Advocate for revision applicant submitted that, in the event the complainant is permitted to withdraw the amount of Rs.1,30,000/-, he may be directed to file an undertaking that in the event the revision

application is allowed, the amount withdrawn would be re-deposited in this Court.

4. Considering the fact that, the revision applicant has been convicted for offence under Section 138 of Negotiable Instruments Act, which has been confirmed by Appellate Court, the relief sought in this application can be granted.

ORDER

- (i) Interim Application No. 2937 OF 2023 is allowed.
- (ii) Applicant/complainant is permitted to withdraw the amount of Rs.1,30,000/- deposited by accused before the trial Court in STC No. 2270 of 2010 subject to complainant filing an undertaking in this Court that in the event revision application is allowed and the accused is acquitted, the amount withdrawn would be re-deposited in this Court.
- (iii) Interim Application stands disposed off.

(PRAKASH D. NAIK, J.)