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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1538 OF 2024  
IN  
CRIMINAL REVISION APPLICATION NO. 312 OF 2019

Sony Tiles  
Through Proprietor : Shafi Daud Budye ...Applicant

In the matter between:-

Alli Nurusaheb Maula @  
Maula Ali Nursaheb Bepari ...Applicant

vs.

Sony Tiles  
Through Proprietor : Shafi Daud Budye  
and Anr. ...Respondents

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|                                                                        |                                |
|------------------------------------------------------------------------|--------------------------------|
| Mr.Mohit Prabhakar Dalvi:-                                             | Advocate for Applicant.        |
| Mr.Shaikh Abdul Azim<br>Mohammed Hanif i/b.<br>Mr.Shashank C. Mangle:- | Advocate for Respondent No.1.  |
| Ms.Sangita E. Phad:-                                                   | APP for Respondent No.2-State. |

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CORAM : S. M. MODAK, J.  
DATE : 26<sup>th</sup> JUNE 2024

P. C. :-

1. Heard learned Advocate for the Complainant and learned

Advocate for the Applicant.

2. The Applicant - Alli Nurusahab Maula is convicted for the offence under Section 138 of the Negotiable Instruments Act, 1881 (“NI Act”) by JMFC – Ratnagiri.

3. The sentence is as follows:-

- (a) Rigorous imprisonment for two (2) months.
- (b) Fine of Rs.73,000/- (Rupees Seventy Three Thousand Only). Out of which, Rs.70,000/- (Rupees Seventy Thousand Only) be paid to the Complainant by way of compensation.

4. This Court has suspended the sentence as per the order dated 25<sup>th</sup> June 2019 on condition to deposit Rs.58,000/- (Rupees Fifty Eight Thousand Only). A copy of that receipt is annexed on Page No.17 of this Interim Application. Earlier, the amount of Rs.15,000/- (Rupees Fifteen Thousand Only) is deposited before the trial Court.

5. In view of that, following order is passed:-

### **ORDER**

- (i) Let the Respondent No.1 / Complainant be permitted to withdraw Rs.70,000/- (Rupees Seventy Thousand Only) from the trial Court subject to furnishing an undertaking

that he will refund the amount along with interest, if directed by this Court.

- (ii) This direction is given on assumption that entire amount of Rs.73,000/- is deposited.

6. In view of the above, Interim Application stands disposed of.

7. Stand over to **22<sup>nd</sup> July 2024**.

[S. M. MODAK, J.]