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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

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

CORAM : S. M. MODAK, J.
DATE : 26th 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 25th 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 **22nd July 2024**.

[S. M. MODAK, J.]