

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. INTERIM APPLICATION NO. 1610 OF 2024

IN

CRIMINAL REVISION APPLICATION NO. 164 OF 2016

Moodsar Njjamuddin Kazi

...Applicant

In the matter between :-

Dilip Rajiv Jadhav

... Applicant /
Org. Accused

vs.

Moodsar Njjamuddin Kazi & Anr.

...Respondents

Mr. Shyam K. Tripathi h/f. Mr. Vivek B. Pandey :-	Advocate for Applicant / Original Complainant.
Mr. H. J. Dedhia :-	APP for Respondent No.2-State.

CORAM : S. M. MODAK, J.

DATE : 19th JULY 2024

P. C. :-

1. Though office was directed to list it, it is not listed. Taken on Board.

2. No one is present on behalf of Revision Applicant. It is but natural. This Revision Application is against concurrent findings of fact and conviction for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ['N. I. Act']. The compensation awarded by the trial Magistrate is Rs.4,50,000/- (Rupees Four Lakh Fifty Thousand only). It is to be paid to the Complainant. This was confirmed by the Court of Additional Sessions Judge, Ratnagiri.

3. This is a separate Interim Application for withdrawal of the amount. The Respondent /Complainant produced the copy of Death Certificate of the Accused-Dilip Rajiv Jadhav issued by Grampanchayat Nachane. As per the order dated 21st June 2024 service affidavit was taken on record. There is also mention that the Applicant / accused has expired. No steps are taken in the Revision. This Application for withdrawal needs to be allowed. Hence order :-

ORDER

- (i) Application is allowed in terms of prayer clause (a).
- (ii) The trial Court is directed to allow the Respondent /Complainant to withdraw the amount of ₹2,00,000/- (Rupees Two Lakh only) alongwith accrued interest on furnishing undertaking that amount will be returned if ordered by this Court.

4. Interim Application is **disposed of**.
5. Let Revision be kept on **6th September 2024** under caption '**for Directions**'.

[S. M. MODAK, J.]

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