



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 2826 OF 2024
IN
REVISION APPLICATION NO. 417 OF 2018

ALONGWITH

INTERIM APPLICATION NO. 2827 OF 2024
IN
REVISION APPLICATION NO. 414 OF 2018

J. M. Mehta Travels and Tours and Co. ...Applicant/Complainant

In the matter between

Sandip Narasinha Payas ...Applicant

vs.

J. M. Mehta Travels and Tours and Co. and Anr. ...Respondent

Apoorv Srivastava a/w Tanvir K.	Advocate for the Applicant
Omkar Nagwekar i/by P. R. Arjunwadkar	Advocate for the Respondents in Revision
Ms. S. E. Phad	APP for the Respondent-State

CORAM : S. M. MODAK, J.

DATE : 18th SEPTEMBER 2024

P. C. :-

1. Heard learned Advocate for the Complainant-Applicant.

2. It is true that learned Advocate Mr. Arjunwadkar appeared in both these applications.

3. On 30.07.2024 direction was given to his client to furnish new address. Thereafter, matter was listed on 03.09.2024. On behalf of learned Advocate Mr. Arjunwadkar, learned Advocate Shri Omkar Nagvekar appeared and assured that new address will be furnished on the next date and direction was given either Mr. Arjunwadkar may argue through Video Conferencing or Mr. Omkar Nagvekar can argue the matter.

4. Today Mr. Omkar Nagvekar submitted that Mr. Arjunwadkar has already given NOC to his client. However, there is nothing on record seeking discharge. He can do so by writing a letter and producing the documents.

5. The facts and circumstances warrants me to decide both these interim applications. I am permitting to the Applicant-Complainant to withdraw the amount.

6. In Revision Application No. 414 of 2018, the Court of the JMFC imposed fine of Rs. 12,00,000/- and the Complainant is to be paid Rs. 11,80,000/-. This was confirmed by the Appellate Court on 29.06.2018.

7. Whereas in Revision Application No. 417 of 2018, the Court of the JMFC, Pune has imposed fine of Rs. 3,00,000/- and entire amount is to be paid to the Complainant. This is confirmed by the Appellate Court on 29.06.2018.

8. On an undertaking, the amount can be permitted to be withdrawn. Hence, the Order:-

ORDER

(i) The Applicant-Complainant is permitted to withdraw an amount of Rs. 11,80,000/- (Rs. Eleven Lakhs Eighty Thousand only) in Summary Case No. 29354 of 2010 from the Court of JMFC Pune on furnishing an undertaking that amount will be returned alongwith interest, if directed by this Court.

(ii) Applicant-Complainant is further permitted to withdraw an amount of Rs. 3,00,000/- (Rupees Three Lakhs) deposited in summary case no. 29355 of 2010 on furnishing an undertaking that amount will be returned alongwith interest, if directed by this Court.

9. Both these interim applications are disposed of.

10. Both these revision applications be listed on **13th November 2024**.

[S. M. MODAK, J.]