IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPP) NO. 1814 OF 2023
IN
CRIMINAL APPLICATION (BA) NO. 687 OF 2023

KULDEEP @ ASHOKKUMAR HARIRAM
VS
STATE OF MAH. THR. PSO, PS TAHSIL, NAGPUR CITY, NAGPUR

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order

Mr. Phasate, APP for the non-applicant/State.
Mr. H.R.Gadhia, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 29/04/2024.

1. By this application, the applicant is seeking permission to withdraw the amount of Rs.3,94,000/- deposited by the applicant/accused in this Court.

2. The applicant is the original complainant, who has lodged the FIR on 14/12/2022 with the Police Station, Tahsil Nagpur City against one Mr. Rathi and others for the offence punishable under Sections 489-B and C, 406, 420 and Section 120-B of the Indian Penal Code, 1860 vide crime no. 768/2022.

3. As per the contention of the applicant, he does the business of Garment and running his wholesale shop at Shahid Chowk, Itwari, Nagpur. During the course of business, he came into contact daily with the accused-Mr. Rathi who informed him that he was in Kolkata and he would make a payment on

behalf of the applicant/informant to a person named by the applicant/informant and in turn asked the applicant/ informant to make a payment of Rs. 29,94,000/- at Nagpur to accused Kuldeep @ Ashokkumar Hariram Bramhan. Accordingly, the applicant gave an amount of Rs. 29,94,000/- to the accused- Kuldeep. Thereafter, the applicant/informant asked the accused Mr. Rathi to make a payment of Rs. 30,00,000/- in Kolkata to the person named by the applicant. The said person shown name by the applicant/informant and collected a sum of Rs. 30,00,000/- from Mr. Rathi. The said amount was paid in the denomination of Rs. 2,000/-. Subsequently, it is learnt that the said notes were counterfeit and the same were printed only on one side.

4. The accused has sought bail in connection with the aforesaid crime and at the relevant time by the order of this Court, the applicant was directed to deposit the amount. Accordingly, the trial Court permitted the applicant to withdraw the amount of Rs. 26,00,000/- and Rs. 3,94,000/- is deposited before this Court, which is pending in this Court.

5. Learned counsel for the applicant submitted that in view of the order passed by this Court, the present applicant who is the informant is entitled to withdraw this amount.

6. Learned APP strongly opposed the application and opposition is on the ground that, the amount be transferred to the learned trial Court i.e. Adhoc District Judge-5 and Additional Sessions Judge, Nagpur in Sessions Case No. 400/2023, as all the facts within the knowledge of the

Court and appropriate orders shall be passed by the Adhoc District Judge-5 and Additional Sessions Judge, Nagpur.

7. Considering the reasons mentioned by the learned APP and as the earlier order is passed by the Adhoc District Judge-5 and Additional Sessions Judge, Nagpur, it would be appropriate to transfer the said amount on the establishment of Adhoc District Judge-5 and Additional Sessions Judge, Nagpur, and the said Court shall pass an appropriate order, permitting the present applicant to withdraw the said amount. In view of that, I proceed to pass the following order:

ORDER

a] The Registry to transfer the amount of Rs.3,94,000/- to the Court of the Adhoc District Judge-5 and Additional Sessions Judge, Nagpur.

b] On receipt of the appropriate application, the Adhoc District Judge-5 and Additional Sessions Judge, Nagpur shall pass an appropriate order, permitting the applicant to withdraw the said amount.

The application is **disposed of.**

[**URMILA JOSHI-PHALKE, J.]**