



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION (APPR) NO.237 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.101 OF 2022
SUDHIR S/O BAJIRAOJI MAHAKALKAR
VS
NITIN S/O ASHOKRAO MASKE**

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Bhushan Dafle, Advocate for the applicant/s
Mr. A.H. Ansari, Advocate for the non-applicant

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 17th December, 2024.

1. Heard rival submissions.
2. The application is filed for permission to withdraw the amount of Rs.3 Lakhs deposited by the non-applicant-Sudhir, with this Court.
3. The record shows that the present non-applicant Nitin Maske was charged for the offence under Section 138 of the Negotiable Instrument Act. The learned trial Court had convicted him for the said offence. However, the learned Appellate Court thereafter, acquitted him.
4. The learned counsel for the applicant-Sudhir submitted that after conviction, the non-applicant-accused had deposited the amount of Rs.3 Lakhs with the learned Appellate Court and the same was withdrawn by the applicant-Sudhir. However, thereafter, it appears that after setting aside the conviction of non-applicant-Nitin, by the

learned Appellate Court, the applicant-Sudhir re-deposited the aforesaid amount of Rs.3 Lakhs in this Court, which is now claimed by the non-applicant-Nitin.

5. Though the Revision Application is pending against the judgment and order passed by the learned Appellate Court, but during the pendency of this Revision Application, the aforesaid amount of Rs.3 Lakhs can be permitted to be withdrawn by the present non-applicant-Nitin on usual undertaking.

6. As such, the application stands **allowed** in terms of prayer clause-(i), subject to filing usual undertaking by non-applicant/Nitin to the satisfaction of the Registrar (Judicial) of this Court, mentioning that if the judgment of the learned Appellate Court is reversed, he will deposit the aforesaid amount again in this Court.

7. The application is **disposed of**.

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8. Stand over to **14.01.2025** for final hearing at admission stage.

(SANDIPKUMAR C. MORE, J.)