



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

**17 CRIMINAL APPLICATION NO. 291 OF 2025
IN REVN/225/2024**

Baburao S/o. Bahetiappa Nakade (died)

Through his legal representative

Ajay S/o Baburao Nakade

Age : 49 Years, Occu. : Agriculture,

R/o. Chakur, Main Road, Chakur,

Tq. Chakur, Dist. Latur.

.... Applicant

VERSUS

Shivraj Vaijnath Girke

Age : 60 Years, Occu. : Service,

R/o. Ram Mandir, Chakur,

Tq. Chakur, Dist. Latur.

.... Respondent

....

Advocate for Applicant : Mr. Chandrakant M. Ghodake h/f
Mr. Gaurav L. Deshpande

Advocate for Respondent : Mr. S.G. Kawade

....

CORAM : ABHAY S. WAGHWASE, J.

Dated : 03rd February 2025

ORDER :-

1. This is an application for withdrawal of amount of Rs.2 Lakhs, deposited by the respondent in this court.

2. Learned counsel for the applicant submits that, the respondent was tried for the offence under Section 138 of the N.I. Act and held guilty by learned Judicial Magistrate First Class, Chakur and convicted for imprisonment of three months and to pay fine of Rs.2 Lakhs and same is confirmed by learned First Appellate Court. That, against said order, the respondent preferred the revision. That, the respondent moved an application bearing Criminal Application No.3311 of 2024 for suspension of sentence. That, this court was pleased to pass the order of suspension of sentence dated 29.11.2024, directing the respondent to deposit the entire cheque amount i.e. Rs.2 Lakhs. That, as per order dated 29.11.2024, the respondent has deposited Rs.2 Lakhs in this court. Hence, he prays that, the applicant be permitted to withdraw the deposited amount.

3. Learned counsel appearing for the respondent has no objection for withdrawal of said amount.

4. Considering the submissions of both the parties, the application needs to be allowed. Hence, following order is passed.

ORDER

1. The application is allowed.
2. The applicant is permitted to withdraw an amount of Rs.2,00,000/- (Rupees Two Lakhs Only), as prayed in the application.
3. The applicant shall furnish usual undertaking.
4. Registry to take note of this order and after verifying the identity, shall act accordingly.
5. The application stands disposed off.

(ABHAY S. WAGHWASE, J.)

asd