



(1)

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

**908 CRIMINAL APPLICATION NO. 3141 OF 2025
IN
CRIMINAL APPLICATION NO. 493 OF 2025
IN/WITH
CRIMINAL REVISION APPLICATION NO. 40 OF 2025**

Ashok Govind Kakale

VERSUS

Chandrakant Mansaram More

.....

Mr S. R. Andhale, Advocate for Applicant

Mr R. A. Jaiswal, Advocate for respondent

CORAM : ADVAIT M. SETHNA, J.

DATE : 14 AUGUST 2025

P.C. :

1. Heard learned Advocate Mr Andhale, learned Advocate for the Applicant (original complainant/Respondent in the Criminal Revision Application) and Mr Jaiswal, learned Advocate, who appears through video conferencing mode for Respondent/accused.

2. This Criminal Application is filed with a prayer to allow the Applicant/Complainant to withdraw amount of compensation deposited by the Respondent in the Trial Court as per the order of this Court dated 07 February, 2025 in these proceedings.

(2)

3. Mr Andhale, learned Advocate for the Applicant would first state that the Applicant is the Complainant in S.C.C. No.2006/2021, filed for offence punishable under Section 138 of the Negotiable Instruments Act, 1881. The Respondent/Accused was convicted by the learned Judicial Magistrate First Class, Aurangabad in S.C.C. no.2006/2021, vide order dated 08 September 2022 under Section 255(2) of the Code of Criminal Procedure, for offences punishable under Section 138 of the Negotiable Instruments Act and sentenced to suffer imprisonment of till rising of the Court and to pay compensation of Rs.5,71,250/- to the Complainant within a period of three months from issuance of the order and in default to suffer simple imprisonment of six months. Pursuant to the said order, Accused/Respondent filed Criminal Appeal before the learned Sessions Judge, who by order dated 03 February 2025, confirmed the order of the Judicial Magistrate First Class, Aurangabad.

4. Being aggrieved by the said order of the learned Sessions Court, the Respondent/Accused filed present Criminal Revision No.40/2025 before this Court. This Court was pleased to suspend the sentence of the Respondent/Accused by directing him to deposit Rs.2,00,000/- in the Trial Court, which has been duly complied with.

(3)

5. In the above circumstances, Mr Andhale, learned Advocate for the Applicant would submit that, out of the compensation, amount of Rs.5,71,250/-, sum of Rs.1,14,250/- which was deposited by the Respondent/Accused before the Trial Court has been duly withdrawn by the Applicant (Complainant). Now, by the present Application, the Applicant seeks to withdraw a sum of Rs.2,00,000/- which is deposited in the Trial Court vide the order dated 07 February 2025, passed by this Court. The learned Advocate for the Respondent has opposed the Application, leaves it to the Court to pass appropriate orders.

6. Having heard learned Advocates for the parties and having perused Application of the Applicant No.3141/2025, in my view, case has been made out by the Applicant at this stage to justify such withdrawal. Accordingly, following order is passed :-

ORDER

(I) The Applicant is permitted to withdraw the amount of Rs.2,00,000/- deposited by the Respondent in the Trial Court alongwith accrued interest, by making appropriate Application before the said Court.

(4)

(II) It is made clear that, in the event, the Applicant (Complainant) does not succeed in the present Revision Application, then he shall return back such amount alongwith accrued interest. Failure to do so would lead to recovery of such amount with accrued interest thereon, in accordance with law.

7. With the above observations, this Criminal Application No.3141/2025 is **Disposed of**.

[ADVAIT M. SETHNA, J.]

sjk