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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 3207 OF 2024
IN
CRIMINAL REVISION APPLICATION NO.251 OF 2022**

Suryalal Mm Vishwakarma	... Applicant
IN THE MATTER BETWEEN:	
Padmanabhan Thandu Iyer	... Applicant
V/s.	
State of Maharashtra and ors	... Respondents

Mr. Akshay Kapadia (through VC), for the applicant.

Mr. Sagar Agarkar, APP for respondent No.1 -State.

CORAM : AMIT BORKAR, J.

DATED : SEPTEMBER 17, 2025

P.C.:

1. The applicant is the original complainant in proceedings instituted under Section 138 of the Negotiable Instruments Act, 1881. During the pendency of the appeal filed by the accused, an amount of Rs. 1,00,000 was deposited before the Appellate Court. The appeal came to be dismissed, thereby confirming the order of conviction passed by the Trial Court. The accused has thereafter preferred the present Revision Application. The complainant has moved the present application seeking withdrawal of the said amount of Rs. 1,00,000 deposited during the pendency of the appeal.

2. It is a settled principle that once both the Trial Court and the Appellate Court have concurrently held the accused guilty under Section 138 of the Act, the complainant becomes entitled to the benefit of the deposit made by the accused during the pendency of proceedings. The deposit is in the nature of security to ensure compliance with the order of conviction. However, to balance equities and safeguard the interest of the revision applicant, it is necessary to impose a condition on the complainant that he shall refund the said amount with interest at the prevailing bank rate, in the event the revision is decided against him.

3. In view of the above reasoning, the complainant is permitted to withdraw the amount of Rs. 1,00,000 on furnishing an undertaking before this Court that, in case the proceedings are decided against him, he shall refund the amount along with interest at the bank rate within a period of eight weeks from the date of such decision. With these directions, Interim Application No. 3207 of 2024 stands disposed of.

4. It is further clarified that if it is found that the revision applicant has not complied with the order of deposit of Rs. 1,00,000, it shall be open to the complainant to move an application before this Court seeking vacating of the interim relief granted in favour of the revision applicant.

(AMIT BORKAR, J.)