



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

**13 CRIMINAL APPLICATION NO. 423 OF 2026
IN CRIMINAL WRIT PETITION NO.1468 OF 2025**

**VIRENDRA @ VIRENDRASINGH UTTAMSINGH
PAWAR**

VERSUS

**ABBEE CONSUMABLES PERIPHERALS SHOPEE
LIMITED & ANOTHER**

...

Advocate for Applicant : Mr.Punit S.Mehta

...

WITH

CRIMINAL WRIT PETITION NO. 1468 OF 2025

...

**ABBEE CONSUMABLES PERIPHERALS SHOPEE
LIMITED & ANOTHER**

VERSUS

**VIRENDRA @ VIRENDRASINGH UTTAMSINGH
PAWAR**

...

Advocate for the petitioners : Mr.Sohail Subhedar Shaikh h/f.
Mr.N.S.Ghanekar

...

CORAM : MEHROZ K. PATHAN, J.

DATE : 09.03.2026

P.C. :

1] Heard.

2] Criminal Application No.423 of 2026 is filed by
the applicant, namely, Virendra Pawar i.e. respondent in
Criminal Writ Petition No.1468 of 2025, for withdrawal of
the amount deposited by the petitioners in pursuance to the

order dated 17th October, 2025 passed by this Court in Criminal Writ Petition No.1468 of 2025, directing the petitioners to deposit 20% amount of compensation as pre-condition for suspension of the sentence.

3] The learned counsel for the applicant informs that the petitioners have complied with the order dated 17.10.2025 by depositing 20% amount, which comes to Rs.5 lacs as directed by order dated 17.10.2025 in Criminal Writ Petition No.1468 of 2025. The petitioners have deposited the amount of Rs.2 lacs vide Demand Draft No.852139 dated 16.10.2025 and the amount of Rs.1 lac vide Demand Draft No.852148 dated 03.11.2025. The amount of Rs.1 lac was thereafter deposited vide Demand Draft No.852170 dated 02.12.2025 and the balance amount of Rs.1 lac was also deposited vide Demand Draft No.852189 dated 03.01.2026. The application depositing the amount was filed by the petitioners before the Registry of this Court and the same is taken on record and marked as 'X' for identification.

4] The learned counsel for the petitioners strongly opposes the application on the ground that Criminal Appeal No.20 of 2024 is pending before the Additional Sessions Judge at Aurangabad and there is likelihood that the appellants may succeed in the said Appeal, as such, the complainant may not be allowed to withdraw the amount.

5] However, taking into consideration the fact that the petitioners have challenged the judgment and order dated 10.05.2023 passed by the learned Judicial Magistrate First Class, Court No.12, Aurangabad before this Court by filing Criminal Writ Petition No.172/2025 and the said Writ Petition was dismissed by the High Court, vide order dated 24.02.2025. Thereafter, the petitioners have preferred Special Leave to Appeal [Cri.] No.7718/2025, challenging the order dated 24.02.2025 passed by the High Court in Criminal Writ Petition No.172/2025. The amount so directed is as per the mandate of the provisions of Section 138 of the Negotiable Instrument Act, as such, the complainant is allowed to withdraw the said amount subject

to certain conditions.

6] For the reasons stated herein above, Criminal Application No.423 of 2026 filed by the applicant, namely, Virendra @ Virendrasingh Uttamsingh Pawar is allowed. The applicant – complainant, namely, Virendra @ Virendrasingh Uttamsingh Pawar is permitted to withdraw the amount of Rs.5 lacs deposited by the petitioners herein, subject to giving an undertaking that the complainant – applicant shall return back and deposit the amount to the trial Court if Criminal Appeal No.20 of 2024 is allowed in favour of the petitioners. Criminal Application is disposed of accordingly.

7] Since the Criminal Writ Petition No.1468/2025 was filed with limited prayer, challenging the order rejecting the application seeking permission to deposit 20% of the amount in pursuance to the order dated 17.10.2025, and that the petitioners have already deposited the amount of Rs.5 lacs i.e. 20% of the compensation granted by the trial Court under the orders of this Court dated 17.10.2025,

the cause of action for filing the Criminal Writ Petition does not survive. In view of deposit of 20% amount by the petitioners, original order suspending the sentence dated 18.06.2024 passed in criminal Appeal No.20 of 2024 is restored.

8] Since the petitioners have challenge the conditional order of suspension on depositing of 20% amount till the Hon'ble Supreme Court and much time is already consumed, the Appellate Court i.e. Additional Sessions Judge, Aurangabad is requested to make endeavour to decide Criminal Appeal No.20/2024 expeditiously and not beyond 6 months from the date of receipt of this order.

9] Criminal Writ Petition No.1468 of 2025 stands disposed of in above terms.

[MEHROZ K. PATHAN]
JUDGE

DDC