

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

WRIT PETITION NO. 6098 OF 2024

Sadanand Chandrabhan Pandey & Anr. ..Petitioners

Versus

M/s. Trans India Cargo Services & Anr. ...Respondents

WITH

WRIT PETITION NO. 6099 OF 2024

Mr. Rashid Khan a/w Vivek V. Phadke, for Petitioners in both.
Mr. Jatin P. Karia (Shah) a/w Snehankita Munj, Ms. Dipti J.
Karia, Ms. Shraddha Kamble, for Respondent in both.
Mr. A. R. Metkari, APP for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 29th JANUARY 2026

P.C.:

1. Heard the learned Counsel for the parties.

2. The challenge in this petition is to an order dated 31st August, 2023 passed by the learned Additional Sessions Judge whereby 30% of the amount of compensation, deposited by the petitioners-accused in the appeal preferred against the order of conviction passed by the Trial Court under Section 138 of the Negotiable Instrument Act, 1881 ("the N. I. Act, 1881), has been released in favour of the respondent-complainant.

3. Mr. Khan, the learned Counsel for the petitioners submitted that, no justifiable reason was given by the complainant for the release of the amount. Nor the learned Additional Sessions Judge has ascribed any reason for allowing

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the application to release the amount. It was further submitted that, even no security has been obtained from the complainant to bring back the amount in the event the petitioners succeed in the appeal.

4. Mr. Karia, the learned Counsel for the respondent-complainant, on instructions, submits that, while releasing the amount, the respondent-complainant has furnished an undertaking to bring back the amount along with interest as provided under the proviso to Sub-section (3) of Section 148 of the N. I. Act, 1881.

5. In view of the aforesaid statement and having regard to the quantum of the amount, this Court does not consider it expedient to entertain the petition. It would be appropriate to clarify that, if such undertaking is not already furnished, the respondent-complainant shall furnish an undertaking to bring back the amount released with interest at such rate as may be directed by the Court in accordance with the provisions of Section 148(3) of the N. I. Act, 1881, within a period of two weeks from today.

6. The hearing of the appeal stands expedited.

7. The petitions stand disposed.

[N. J. JAMADAR, J.]