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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1035 OF 2026
IN
CRIMINAL REVISION APPLICATION NO. 42 OF 2026

Kapil Dharamkumar KapadiaApplicant

IN THE MATTER OF :

Mehul Kantilal RampariaApplicant

VERSUS

Kapil Dharamkumar Kapadia & Ors.Respondents

Mr.Rohit Lalwani a/w Ms.Priyanka Pardeshi, for the Applicant in IA No.1035 of 2025 and for Respondent No.1 in Revision.

Ms.Gauri Rao, APP for Respondent-State.

Mr.Shrinidhi A. Sonak a/w Mr.Jugal J. Kanani, for the Applicant in Revision and for Respondent in IA No.1035 of 2026.

CORAM : SHIVKUMAR DIGE, J.

DATE : 17th APRIL 2026

P.C. :

. Heard learned counsel for the Applicant and learned APP.

2. By this Application, the Applicant is seeking withdrawal of the amount deposited by Respondent No.1.

3. It is contention of the learned counsel for the Applicant that Respondent No.1 is convicted under Section 138 of the Negotiable Instruments Act, 1881 ("N.I.Act") and the order of Trial Court has confirmed by the Appellate Court i.e. Sessions Court. The Respondent

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No.1 has deposited Rs.18 lakhs before this Court and Rs.6,40,000/- before the Sessions Court, Greater Mumbai, Mazgaon. The Applicant is original complainant, hence, Applicant be permitted to withdraw the amount deposited by Respondent No.1 and requested to allow the Application.

4. The learned counsel for Respondent No.1 strongly objected on the ground that the Respondent No.1 has challenged the order passed by the learned Sessions Court by filing Revision Application before this Court. If this Court allow the Application of withdrawal the condition be imposed to redeposit the said amount, if Respondent No.1 succeeds in the Revision Application.

5. I have heard both learned counsel.

6. Considering the submissions and the reasons mentioned in the Application, I pass following order.

ORDER

(i) The application is allowed.

(ii) The Applicant is permitted to withdraw amount of Rs.18 lakhs deposited before this Court and Rs.6,40,000/- deposited before the Sessions Court, Greater Mumbai, Mazgaon with an undertaking that the Applicant shall redeposit the said amount before this Court as and when

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required.

(ii) The Applicant shall withdraw the Application for withdrawal of the amount filed before Sessions Court.

(SHIVKUMAR DIGE, J.)