

MHBU010001112025



Criminal Appeal No.8/2025,
Dhananjay Ramdas Ingle
Vs.
State of Maharashtra & Anr.

Order below Exh.15.
(Dt. 28-08-2025)

1. This is an application on behalf of respondent No.2 for withdrawal of the compensation amount deposited by the appellant towards suspension of the sentence as per direction of this Court.

2. Briefly stated, the material averments in the application are as under:

The appellant has deposited an amount of Rs.2,40,000/- towards suspension of sentence as per order dated 21.01.2025 passed by this Court. Respondent No.2 has filed this application for withdrawal of the said amount. Hence, it is prayed that respondent No.2 may be permitted to withdraw the said amount deposited in the Court.

3. The appellant resisted the application by filing say overleaf the application. It is contended that the contents of the application are misconceived and devoid of any substance. The impugned judgment and order of conviction passed by the learned trial Court came to be suspended by this Court, subject to deposit 20% amount of fine or compensation i.e. Rs.2,40,000/-. The suspension order is silent regarding the payment of compensation to respondent No.2. In such circumstances, respondent No.2 is not entitled to receive the amount deposited by the appellant towards suspension of sentence. The appellant, therefore, prayed to reject the application.

4. Respondent No.1 formally resisted the application and prayed for rejection of the application.

5. Heard the learned Advocate appearing for the appellant, the learned A.P.P for State/respondent No.1 and learned Advocate for respondent No.2.

6. Perused the application, say, the impugned judgment and order dated 04.01.2025 passed by the learned Judicial Magistrate First Class, Chikhli in Summary Criminal Case No.401/2016 and the order dated 21.01.2025 passed by this Court below Exh.4.

7. It is imperative to note that as per the order dated 21.01.2025 of this Court, the appellant has deposited an amount of Rs.2,40,000/- towards suspension of sentence.

8. At this juncture, recourse to Section 148(3) of the Negotiable Instruments Act, 1881 would be apposite. It reads as under:

“(3) The Appellate Court may direct the release of the amount deposited by the appellant to the complainant at any time during the pendency of the appeal:

Provided that if the appellant is acquitted, the Court shall direct the complainant to repay to the appellant the amount so released, with interest at the bank rate as published by the Reserve Bank of India, prevalent at the beginning of the relevant financial year, within sixty days from the date of the order, or within such further period not exceeding thirty days as may be directed by the Court on sufficient cause being shown by the complainant.”

9. In the light of the aforesaid exposition of law, reverting to the facts of the case, the learned Judicial Magistrate First Class, Chikhli was inclined to hold that the appellant has issued the

impugned Cheque towards legally enforceable debt. Having regard to the findings of the learned Judicial Magistrate First Class, Chikhli, I am of the considered view that this is a fit case for giving permission to withdraw the amount of compensation deposited by the appellant. With this, I am inclined to pass the following order:

Order

- (1) Application (Exh.15) is hereby allowed.
- (2) Respondent No.2 is permitted to withdraw the amount deposited by the appellant towards suspension of the sentence as per the order passed by this Court.
- (3) As per proviso to Section 148(3) of the Negotiable Instruments Act, 1881, if the appeal is allowed and the appellant/accused is acquitted, respondent No.2/complainant is directed to deposit the compensation amount received alongwith accrued interest, to be determined at that time.
- (4) Respondent No.2/complainant to file an undertaking as regards clause (3) of the order.
- (5) The payment be made to respondent No.2 on due identification and verification.

Dated : 28-08-2025.

(R. N. Rokade)
Sessions Judge, Buldana.

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