

ORDER BELOW EXH. 29 IN
CRIMINAL APPEAL NO. 20/2019

The respondent has taken out an application to release the amount of Rs. 4,00,000/- deposited by the appellant in the Court of J.M.F.C.,Baramati vide order below Exh. 5 in his favour.

02 The appellant absent and no say is filed.

03 Heard Ld. Advocate for the respondent.

04 Perusal of record would show that, by order below Exh. 05 dated 05.03.2019, the appellant was directed to deposit Rs. 4,00,000/- in the Court and accordingly, appellant has deposited said amount in the Court of J.M.F.C. Baramati vide “C” No. 79 dated 21.05.2019 and “C” No. 92 dated 03.06.2019.

05 In view of Sec. 148 (3) of the Negotiable Instruments Act, 1881, the appellate Court may direct the release of amount deposited by the appellant to the complainant at any time during pendency of the appeal. The present appeal is filed in 2019 but the record shows that till date the appellant has not taken any effective steps to proceed with the said appeal. He remained absent since long and N.B.W. was ordered to be issued against him. Said conduct of the appellant unnecessarily causes the delay which ultimately affect the rights of complainant/respondent. Therefore, it is necessary to release the said amount deposited by the appellant in favour of the respondent with certain condition envisages in proviso of the Sec. 148 (3) of the said Act. Hence, the order:-

ORDER

01 Amount of Rs. 4,00,000/- deposited in the Court of J.M.F.C. Baramati vide “C” No. 79 dated 21.05.2019 and “C” No. 92 dated 03.06.2019, be released in favour of respondent/complainant on condition that, if the appellant is acquitted, then the respondent/ complainant shall repay the said amount of Rs. 4,00,000/- with interest @ 8% p.a. within 60 days from the date of order.

02 Respondent/complainant shall give undertaking in respect of the aforesaid condition and on furnishing of such undertaking only, Assistant Superintendent, Baramati shall release the aforesaid amount in favour of the complainant/respondent.

Date: 18.04.2024

(J.A. Shaikh)
Additional Sessions Judge,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Steno. :- Sou. V.S. Sonawadekar, Grade -I Steno.

Court Name :- J.A. Shaikh

Additional Sessions Judge, Baramati

Date :- 18.04.2024

order signed by P.O. on :- 18.04.2024

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