



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 127 OF 2026

Rajesh Harish Sharma  
VERSUS  
Bakhtavar Milan Kusumgar and anr.

WITH  
INTERIM APPLICATION NO. 1474 OF 2026  
IN  
CRIMINAL REVISION APPLICATION NO. 127/2026

Bakhtavar Milan Kusumgar  
VERSUS  
Rajesh Harish Sharma

WITH  
INTERIM APPLICATION NO. 830 OF 2026  
IN  
CRIMINAL REVISION APPLICATION NO. 127/2026

Rajesh Harish Sharma  
VERSUS  
Bakhtavar Milan Kusumgar and anr.

---

Mr. Nadeem Sharma a/w Mr. Hubab Sayyed i/b Mr. Sahil Sayyed,  
Advocate for Applicant.

Mr. Rehmat K. Lokhandwala, Advocate for Respondent No. 1.

Smt. R. D. Humane, APP for Respondent No.2-State.

---

CORAM : SHIVKUMAR DIGE, J.

DATE : 6<sup>th</sup> MAY, 2026.

P.C. :

1. Heard learned counsel for the applicant, learned counsel for the  
Respondent No. 1 and learned APP for Respondent No. 2-state.



2. By this application, the applicant is seeking withdrawal of the deposit amount by respondent.
3. Learned counsel for the applicant submit that, the applicant is original complainant.
4. The Respondent No.1 had issued a cheque in favour of the applicant. It was dishonored, the applicant filed a complaint under Section 138 of the Negotiable Instruments Act against the Respondent. The Respondent was convicted by the learned Trial Court, and the said conviction was confirmed by the learned Sessions Court. The Respondent filed a Revision Application, which is pending before this Court. The respondent has deposited Rs.4,00,000/- before this Court. The applicant be permitted to withdraw the said amount.
5. Learned Counsel for the Respondent strongly objected to the withdrawal of the amount on the ground that the Respondent has challenged the order passed by the learned Sessions Court, and the respondent may succeed in the Revision Application and requested to reject the application.
6. I have heard both learned counsel.
7. Considering of submissions of both learned counsel, and as the Respondent is convicted by the courts below, I pass following order.



**ORDER**

- i) Application is allowed and disposed of.
- ii) The applicant is permitted to withdraw Rs.4,00,000/- deposited by the Respondent, with undertaking that the applicant shall re-deposit the said amount if directed by this Court.
- iii) Interim relief, if any, granted earlier, to continue till next date.

**(SHIVKUMAR DIGE, J.)**