

VRJ

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

**WRIT PETITION NO.4868 OF 2022**

Ishrat Ali ... Petitioner  
V/s.  
Wakil Ahmed S/o. Khalil Ahmed & Anr. ... Respondents

Mr. Amol A. Deshpande for the petitioner.

Mr. A.R. Patil, APP for the respondent No.2/State.

**CORAM : AMIT BORKAR, J.**

**DATED : APRIL 17, 2023**

**P.C.:**

- 1. Issue notice to the respondent No.1, returnable on 19<sup>th</sup> June 2023.**
- Prima facie from the averments in the complaint, it appears that initial agreement between the parties was for 40% of amount as advance. The accusation against to the petitioner is that if the Boiler is not installed, amount of Rs,2,00,000/- paid towards part consideration would be refunded. Non-payment of such refundable deposit resulted in filing of complaint.
- From the averments in the complaint and other material on record prima facie dishonest intention at the inception of transaction is not made out. The petitioner is, therefore, entitled to ad-interim relief in terms of prayer clause (ii), till 19<sup>th</sup> June 2023.

**(AMIT BORKAR, J.)**