

**IN THE HIGH COURT OF BOMBAY AT GOA****LD-VC-CRI-68-2020****IN****CRIMINAL WRIT PEITION NO.226 OF 2019**

Vidyadhar Kerkar

... Petitioner

Versus

Omkar Gurudas Naik

... Respondent

Shri Parag Rao, Advocate for the Applicant.

**Coram:- DAMA SESHADRI NAIDU, J.****Date:- 6 NOVEMBER 2020****P.C. :**

None for the respondent/original petitioner in Criminal Writ Petition No.226 of 2019.

2. Shri Parag Rao, the learned counsel for the applicant/complainant, informs me that though there was a counsel representing the original petitioner on earlier occasions he seems to have withdrawn without notice on the petitioner personally.

3. Post the matter on 04.12.2020.

4. Nevertheless, I see none representing the petitioner. At any rate, this Court earlier granted stay of the proceedings before the trial Court in a crime arising from Section 138 of the NI act. That stay was on the condition of the petitioner depositing 20% of the cheque amount before this Court.

5. I am told that, that amount was deposited on 04.11.2020. The applicant/complainant has come with an application for withdrawal of the amount. Since the petitioner has been already served that notice and has not chosen to appear and as the amount is still lying with the Court, I

allow this application. The respondent is entitled to withdraw the amount and Registry will process his request.

**DAMA SESHADRI NAIDU, J.**

NH