

**IN THE HIGH COURT OF BOMBAY AT GOA**  
**CRIMINAL WRIT PETITION NO.226 OF 2019**

Vidyadhar Kerkar ... Petitioner

Vs

Omkar Gurudas Naik ... Respondent

Shri Parag Rao, Advocate for the Respondent.

**Coram: DAMA SESHADRI NAIDU, J.**

**Date: 11 December 2020**

**ORAL ORDER :**

The proceedings before the trial Court have arisen under Section 138 of the Negotiable Instruments Act. The case is still pending. At an interlocutory stage, the accused filed Criminal Writ Petition No.226 of 2019. This Court passed a conditional order; the backdrop of that order is not relevant here. Under that order, the petitioner deposited 20% of the cheque amount before this Court. Through an order, dated 06.11.2020, this Court permitted the complainant to withdraw that amount. But the order has not dealt with the accumulated interest. In that context, on 2 December 2020, the Registry, through a note, wanted the Court to clarify whether it should pay the complainant the accumulated interest as well.

2. Earlier, the petitioner in the main writ petition was represented by a counsel, who withdrew his consent on 13.02.2020. Now, Shri Parag Rao, the learned counsel for the complainant informs me that the petitioner has been served with a notice in this application for the withdrawal of the money. Yet none represents him.

3. At any rate, the query the Registry has raised is technical. It goes without saying that once the amount lying with the Court for the benefit of a suiter earns interest, it must go to him. I, therefore, clarify

that the order, dated 06.11.2020, must be read as if it contained a comprehensive direction requiring the Registry to pay to the complainant the total amount lying with it along with interest, too.

4. With the above clarification, I dispose of the application.

**DAMA SESHADRI NAIDU, J.**

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