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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.202 of 2015.

Ashok Kumar Jivraj Sekhani	..	..Applicant.
Vs		
Paramjeet Singh Gumber and Anr	..	..Respondents.

Mr Yogini Ghavle for the Applicant.

Mrs P.P.Bhosale, APP for the State.

CORAM : A.R.JOSHI,J
DATE : 5th August, 2015

P.C. :

- 1) Heard learned counsel for the applicant. Perused the affidavit of service. Respondent No.1 original accused is reportedly served on 15th July, 2015 by the Advocate's notice dated 3rd July,2015.
- 2) The learned counsel for the original complainant stated that initially two complaints were lodged against the respondent No.1, one bearing C.C.No. 331/SS/2013 and another complaint C.C.No. 1165/SS/2013, both for taking action against respondent No.1 u/s 138 of N.I.Act. Thereafter, during pendency of the matter consent terms were arrived at on 1.9.2014. By said consent terms the respondent No.1 had agreed to repay the amounts on the dishonoured cheques and also the entire dues

then payable to the complainant. Both the complaints should have been kept pending by the trial Court as it is specifically mentioned in paragraph no.7 of the consent terms, which reads thus :-

“7.However, the accused has agreed that in case of default in any two instalments consecutively, the accused will have the right to approach the respective Hon'ble Courts where the complaints CC/331/GS/2013 and CC 1165/SS/2013 have been filed and the matters are pending.”

3) In any event, there is substance in the submission on behalf of the applicant/complainant and hence the appeal is admitted.

4) Process u/s 390 of Cr.P.C. be issued against the respondent no.1 with directions to the trial Court to release him on bail in the sum of Rs.1000/-. Liberty is given to the applicant to ask for expeditious hearing of the appeal after the compliance of section 390 of Cr.P.C. is done and after the respondent No.1 appeared before the trial Court for bail.

(A.R.JOSHI, J.)