

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.1281 OF 2014

Amit Jhaveri

..Applicant

-Versus-

Bank of Baroda and Anr.

..Respondent

Mr.M.B.Sabnis i/b. R.B.K.Associates for applicant

Mr.V.B.K.Deshmukh, APP for State- Respondent No.2.

CORAM : M.L.TAHILIYANI, J.

DATE : 12th January 2015.

P.C.

1] Heard the learned Advocate for the applicant. The applicant has been convicted for the offences upnishable under section 138 of the Negotiable Instruments Act by the Metropolitan Magistrate. His appeal is pending in the court of sessions.

2] The impugned order passed by the learned Magistrate was suspended by the appellate court till the appeal was decided on the condition that the applicant (appellant before the appellate court) shall deposit 10% of the cheque amount in the sessions court. It appears that the said amount could not be deposited and the

applicant moved this court. The time was extended from time to time. The learned Advocate for the applicant states that the amount of Rs. 1 Crore has now been deposited. However, before the amount of Rs.1 Crore was deposited in the appellate court, the appellate court observed that the applicant was avoiding to appear before the appellate court and a non bailable warrant came to be issued. The application for stay of the non bailable warrant was rejected on 13th October 2014.

3] Since, the applicant is ready to appear before the appellate court on the next date of hearing and undertakes to continue to appear on each and every date of hearing before the sessions court, it is directed that the warrant issued against the applicant shall be cancelled by the sessions court. The sessions court also should see to it that the applicant attends the sessions court on each and every date of hearing till the appeal filed before it is disposed of. The application is disposed of in the above terms.

(M.L.TAHILIYANI, J.)