

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1953 OF 2016

IN

CRIMINAL APPEAL NO.683 OF 2002

Kakde Krishi Seva Kendra,
Through its Proprietor,
Subhash s/o Sahebrao Kakde,
Age-65 years, Occu:Business,
R/o-Kasari, P.S. Dharur,
Tq-Dharur, Dist-Beed

...APPLICANT

(Orig. Respondent-accused)

VERSUS

1) The Maharashtra Agro Industries
Development Corporation Limited,
Shakti Sahakar Building,
Aurangabad, **(Orig. Complainant)**

2) The State of Maharashtra.

...RESPONDENTS

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Mr.S.P. Katneshwarkar Advocate for Applicant.
Mr.S.R. Deshpande Advocate for Respondent No.1.
Mr.P.N. Kutti, A.P.P. for Respondent No.2.

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CORAM: A.I.S. CHEEMA, J.

DATE : 26TH APRIL, 2016

ORDER :

1. Heard counsel for Applicant - original

Respondent No.1 - accused, learned counsel for original complainant and A.P.P. for State.

2. It is old Appeal of 2002. Complaint relates to bouncing of cheques of Rs.9,40,679/- in October 1995. The Complaint of 1995 was decided in March 2001. So much so for a Summary trial. In this Appeal earlier when Advocate Shri S.S. Deo for Respondent No.1 - accused was not attending, on 8th January 2013 this Court was required to issue Notice on Court Motion. Later on Advocate for Respondent No.1 started attending. The present counsel for original Respondent No.1 - accused had, on earlier occasions of 8th February 2016 and 1st March 2016 taken adjournments and thereafter on 11th March 2016 stated to the Court that Respondent was not responding and as such this Court ordered issue of non bailable warrants on 11th March 2016. Moment the non bailable warrants were directed, the original Respondent came forward even without service of the Non Bailable

Warrant and on 28th March 2016 statement was made that Respondent-accused has contacted the counsel. Thereafter the present Application for cancellation of non-bailable warrant has been filed. The above facts speak for themselves. It is like Respondent No.1 - Accused sitting back and letting the matter get protracted.

3. In fact the bail bonds of the Applicant - accused should have to be forfeited for such hide and seek in conducting of the Appeal. However, this time I am allowing this Application for cancellation of non-bailable warrant, subject to payment of costs of Rs.7500/- (Rupees Seven Thousand Five Hundred) to be deposited by 3rd May 2016. Till that time the non-bailable warrant may not be executed and the same is suspended. The Applicant-accused may be given Humdast addressed to the Police Station concerned regarding suspending of the execution of the non-bailable warrant. The amount be deposited in this Court,

which shall be payable to the Appellant- original complainant, after its deposit. If the amount is not deposited on or before 3rd May 2016, this Court will pass further orders.

4. List on 3rd May 2016.

[A.I.S.CHEEMA, J.]

asb/APR16