

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 304 OF 2016
IN
CRIMINAL WRIT PETITION NO. 2107 OF 2016

Shrikant R. Salvi. ... Applicant.
Versus
The State of Maharashtra. ... Respondents.

Mr. Sameer Vaidya h/f. Mr. R.D. Siroya, advocate for Applicant.

Ms. A.T. Jhaveri, APP for State.

CORAM : RAVINDRA V.GHUGE, J
DATE : JULY 7, 2016

P.C.:

1 Not on board. Upon production taken on board.

2 The petitioner is before this Court praying for extension of time
for two weeks for furnishing sureties.

3 Learned Advocate for the applicant points out orders passed by
this Court on 22/6/2016(the second order bearing the same date) to

indicate that the petitioner was directed to give an undertaking to the court that he would furnish sureties within two weeks from 23/6/2016. It was on this condition of tendering an undertaking that the time for furnishing sureties was extended for a period of two weeks from 23/6/2016, which period is to expire today. It is also observed by this Court that if the Petitioner fails to furnish his sureties, non-bailable warrant would be issued against the petitioner. The Registrar (Judicial I) was directed to communicate this order to the learned Metropolitan Magistrate.

4 Learned Advocate for the Petitioner submits that despite the best efforts of the petitioner in trying to obtain solvent sureties, he has failed in his efforts as the documentation for granting solvent sureties takes longer time. He therefore, prays for extension of time for two weeks and assures the Court that the Petitioner would furnish sureties, as is directed by this Court vide order dated 22/6/2016.

5 Learned APP has strenuously opposed this applicant. She refers to the order passed by this Court on 22/6/2016 and contends that considering the conduct of the petitioner, he was granted time of only two more weeks. This Court has specifically observed that the failure of the Petitioner to furnish sureties would lead to issuance of non-bailable warrant. She therefore, submits that the Petitioner is taking chances with the Court and this application deserves to be rejected with costs.

6 I have considered the submissions of the learned advocates.

7 The order passed by this Court on 22/6/2016 reads as under :

“After passing of the order, Registrar Judicial 1 was directed to communicate this order to the learned Metropolitan Magistrate. It was communicated and learned Magistrate has telephonically clarified that time for furnishing surety was never extended on 09/06/2016 and in fact, application seeking extension of time was rejected. The report was awaited and was to be received by 10/08/2016. This Court had seen the

Rozanama dated 09/06/2016 and had carried an impression that the matter was adjourned to 10/08/2016 on the basis of submission advanced by learned counsel for the Petitioner. However action by learned Magistrate, taking coercive action against the petitioner for not furnishing surety for a period of 4 years is justified, however, this Court had stayed the non-bailable warrant till 5.00 p.m. of 23/06/2016 and therefore, learned Magistrate ought not to have taken the Petitioner into custody.

2) Petitioner shall give an undertaking to the Court on 23/06/2016 that he would be bound to furnish sureties within 2 weeks from 23/06/2016 and it is upon this undertaking that time for furnishing surety be extended for a period of 2 weeks from 23/06/2016. Upon failure to furnish sureties, non-bailable warrant would be issued against the Petitioner.

3) Registrar Judicial 1 is directed to communicate this order to the learned Metropolitan Magistrate, forthwith.”

8 Paragraph-2 of the above reproduced order clearly indicates that this Court desired to grant two weeks time to the Petitioner. It appears that the non-bailable warrant issued against the petitioner was suspended by the Court on 20/6/2016. The Petitioner submits

that in any case, sureties would be furnished within the time frame that may be granted by this Court, failing which, non-bailable warrant could be executed against the petitioner.

9 Considering the above and by way of a last opportunity, time to furnish sureties is extended till 18/7/2016. In the event, the petitioner fails to furnish sureties on or before 18/7/2016, the non-bailable warrant would take effect against him. In these circumstances, no further request for extension of time would be entertained.

10 By this order, time is being extended only upto 18/07/2016 considering the above and by imposing cost on the Petitioner/applicant for an amount of Rs. 10,000/- to be deposited with the High Court Legal Services Committee within two weeks.

11 The Registrar (Judicial I) is directed to communicate this order to the learned Metropolitan Magistrate forthwith.

12 This application is partly allowed in the above terms.

(RAVINDRA V.GHUGE, J)