

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 46 OF 2017

Prakash Atmaram Salvi

... Petitioner

vs.

The State of Maharashtra and anr.

... Respondents

Mr. Sheikh Mohammed Imran a/w Ms. Ruby Shaikh, Advocate
for the petitioner.

Mr. S. R. Agarkar, A.P.P. for the State/respondent no.1.

Mr. Swapnil Ambure i/by Dinesh Tiwari and Associates,
Advocate for respondent no.2.

Coram : Smt. R. P. SondurBaldota, J.

Date : 8th February, 2017

P.C. :

1. This petition challenges the order of issuance of Non-bailable warrant by the Court of Metropolitan Magistrate, 61st Court, Kurla by way of execution of order of conviction dated 17th August, 2013. The order has been confirmed by the Sessions Court by dismissal of the revision application by the order dated 30th October, 2015.

2. On 12th January, 2017 when the matter was taken up for admission Mr. Sheikh appearing for the petitioner had made a fervent plea stating that the petitioner will pay a sum of Rs.10,00,000/- by the next day i.e. by 13th January, 2017 by transferring the amount to the account of respondent no.2. In view of the statement made notice was issued to respondent no.2. By the next date i.e. on 13th January, 2017 however no

transfer of the amount had been made to the account of respondent no.2. But on that day the petitioner paid in Court a sum of Rs.3,00,000/- in cash to respondent no.2 and stated that a sum of Rs.5,00,000/- would be paid on or before 16th January, 2017. In view of the payment and the statement, the Non-bailable warrant issued by the trial Court was stayed until 16th January, 2017. On the adjourned date the matter was, by consent, further adjourned to 25th January, 2017 by way of concession to the petitioner to make arrangements for the payment. Since then neither any payment has been made to respondent no.2 nor the petitioner has been attending to the proceedings. In the morning session at the request of Mr. Sheikh the matter was kept back till the afternoon session for the petitioner to remain present in the Court. He is however not present in the Court. In the circumstances, it is apparent that the present petition has been filed by the petitioner not with any genuine intention of making the payment but with intention to delay the execution. Hence, the petition is dismissed.

[Smt. R. P. SondurBaldota, J.]