

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.242 OF 2017**

Bashir Yasin Shaikh ... Applicant/Petitioner
Versus
State of Maharashtra and anr. ... Respondents

Mr.Subhash Jha with Ms. Sanjana Pardeshi i/by Law Global
Advocates, for the Applicant/Petitioner.

Mr.S.R.Agarkar, APP for the State.

CORAM : R.V.GHUGE, J.

DATE : 14 MARCH, 2017.

P.C. :

1. Learned counsel for the Petitioner submits that instead of entertaining this Petition in which the issuance of a non-bailable warrant dated 17th May, 2016 has been challenged, the Petitioner is agreeable for depositing the entire cheque amount before the Trial Court and is willing to appear before the Trial Court within a short time. He would apply for cancellation of the non-bailable warrant.

2. The learned APP on behalf of the Respondent-State submits that if the above mentioned statements are recorded,

the Petitioner may appear before the Trial Court and apply for cancellation of the non-bailable warrant.

3. In the light of the above, this Petition is disposed of. It is made clear that this Court has not dealt with the merits of the challenge to the issuance of the non-bailable warrant dated 17th May, 2016.

4. The Petitioner would be at liberty to appear before the learned Judicial Magistrate First Class at Shahapur in summary case No. 194 of 2012 on or before the 16th day of March, 2017 for moving an application for cancellation of the non-bailable warrant. So also, his statement that the entire cheque amount would be deposited before the Trial Court on the date of appearance is accepted. The Petitioner shall accordingly deposit the said amount before the Trial Court on the day of appearance which is on or before 16th March, 2017.

5. Needless to state, having recorded the above statements, the Trial Court shall consider the application of the Petitioner for cancellation of the non-bailable warrant on its own merits, keeping in view that the non-bailable warrant was issued to secure his presence.

(R.V.GHUGE, J.)