

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.335 OF 2017

IN

CRIMINAL APPEAL NO.740 OF 2015

SURESH POOVVAPPA CHOWTA)...APPLICANT

V/s.

**SAIFUDDIN HATIBHAI LOKHANDWALA)
AND ANR.)...RESPONDENTS**

Mr.J.S.Hegde, Advocate for the Applicant.

Mr.Chetan Akerkar, Advocate for the Appellant in Criminal Appeal No.740 of 2015.

Mr.A.D.Kamkhedkar, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 6th MARCH 2017.

P.C. :

1 Heard the learned advocate appearing for the applicant / original accused.

2 By an order dated 21st July 2015, while granting leave, this court had directed the applicant / original accused to appear

before the concerned trial court on 24th August 2015 for executing fresh bail bonds in the sum of Rs.500/-. On 25th January 2017, the criminal appeal came up for hearing before this court. On that day, after perusal of the report dated 8th October 2016 sent by the learned Metropolitan Magistrate, 44th Court, Andheri, Mumbai, informing that as per the order dated 21st July 2015 passed by this court in this criminal appeal, the applicant / original accused Suresh Chowta has not appeared before the said court for executing fresh bond in the sum of Rs.500/-, this court had directed taking action under Section 390 of the Code of Criminal Procedure (Cr.P.C.) against the applicant / original accused i.e. respondent no.1 in the appeal.

3 Duly sworn testimony of the applicant / original accused / respondent no.1 in the appeal shows that in pursuant to the order of this court passed on 21st July 2015, infact, he had been to the court of the learned Metropolitan Magistrate on 24th August 2015 and had executed fresh bond in the sum of Rs.500/-. The learned advocate appearing for the applicant / original

accused states that the applicant is even ready to execute fresh bond in the sum of Rs.500/- before the Registrar (Judicial) of this court.

4 In this view of the matter, the order dated 25th January 2017 directing action under Section 390 of the Cr.P.C. against the applicant / original accused / respondent no.1 is recalled.

5 The non-bailable warrant, if any issued, against the applicant / original accused / respondent no.1 be called back.

6 The applicant / original accused / respondent no.1 to appear before the learned Registrar (Judicial) of this court and to execute fresh bond in the sum of Rs.500/- within a period of two weeks from today.

7 The application is disposed of in above terms.

(A. M. BADAR, J.)