

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

**CRIMINAL APPLICATION NO. 124 OF 2018
IN
CRIMINAL APPEAL NO. 840 OF 2017**

Swapnil M. Pichad. ... Applicant.

Versus

J.K. Tyre & Industries Ltd. & anr. ... Respondents.

Mr. Kayval P. Shah, advocate for Applicant.

Mr. D.N. Mishra, advocate for respondent No.1.

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

**CORAM : SMT.SADHANA S. JADHAV,J
DATE : JANUARY 30, 2018**

P.C.:

1 This matter was circulated before this Court on 29/1/2018. Circulation was granted on 30/1/2018. However, today, the Hon'ble Shri Justice A.M. Badar is on leave and therefore, the matter is taken on board of this Court.

2 Heard the learned Counsel for the applicant.

3 This is an application filed by the original Respondent in Criminal Appeal No. 840 of 2017. On 20/9/2017 application seeking leave to appeal was allowed by the Hon'ble Justice A.M. Badar. The Court had issued notice to the respondent and Clause-v of the operative order reads as follows :

“In the meanwhile, action under Section 390 of the Code of Criminal Procedure to follow before the learned trial Court.”

4 The learned Counsel for the applicant submits that since the court has directed an action under section 390 of the Code of Criminal Procedure, 1973, it is presumed that a non-bailable warrant is issued against the respondent.

5 As contemplated under section 390 of the Code of Criminal Procedure, 1973, the respondent shall appear before the first court i.e. Metropolitan Magistrate, 72nd Court, Vikhroli, Mumbai and

execute bail bond as contemplated under section 390 of the Code of Criminal Procedure, 1973 on or before 9/2/2018. Execution of the non-bailable warrant is stayed upto 9/2/2018.

6 The application is allowed and disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)