

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

CRI. WRIT PETITION NO. 673 OF 2018

Shri Vinodkumar Ramdeo Pittie

... Petitioner.

V/s.

S. B Gaud & Anr.

... Respondents.

Mr. M. N. Jain, Advocate i/by S. M. Jain & Associates for the
Petitioner.

Mr. H. S. Venegaonkar, Advocate for the Respondent No.1.

Mr. H. J. Dedhia, APP for the State.

CORAM : REVATI MOHITE DERE, J.

DATE : FEBRUARY 21, 2018

P.C. :

1 Heard the learned counsel for the petitioner. By this petition, the petitioner has impugned the orders dated 28.07.2010 and 21.12.2017 passed by the learned Additional Chief Metropolitan Magistrate, 19th Court Esplanade, Mumbai, in CC No. 341 / 1997 and prays that the non-bailable warrant issued against the petitioner be cancelled.

2 Perused the papers. At the outset, it is seen that the petitioner has approached this court directly and has not filed any application, seeking cancellation of the NBW before

the trial court. The learned counsel for the petitioner submits that if the petitioner is protected for a period of two weeks, he will file an appropriate application before the trial court and seek cancellation of his NBW.

3 Accordingly, the petition is allowed to the extent that the NBW, issued by the trial court vide orders dated 28.07.2010 and 21.12.2017, shall not be executed for a period of two weeks within which period. The petitioner shall file an appropriate application before the trial court and will remain present personally before the trial court and seek cancellation of the NBW. If an application is filed by the petitioner within the said period of two weeks, the learned Judge shall consider the same as expeditiously as possible and, preferably on the same day and pass appropriate orders thereon.

4 The petition is disposed of in the aforesaid terms.

(REVATI MOHITE DERE, J.)

.....