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

**CRIMINAL APPLICATION NO. 106 OF 2018
WITH
CRIMINAL APPLICATION NO. 136 OF 2018
IN
CRIMINAL REVISION APPLICATION NO. 46 OF 2017
WITH
CRIMINAL APPLICATION NO. 105 OF 2018**

Sunil Khanna

.....Applicant

V/s.

The State of Maharashtra and another

.....Respondents

Mr. Rahul Khanna applicant in person.

Ms. Sudha Dwivedi for respondent.

Mr. H. J. Dedhiya APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE : APRIL 4, 2018.

P.C.

This Court has already admitted Revision against the conviction of the applicant for an offence punishable under section 138 of the Negotiable Instruments Act, 1881, appeal against which was dismissed by the learned Sessions Judge.

2 This Court on 14/09/2016 released the applicant on bail, having recorded his undertaking that out of the amount of Rs. 40 Lakhs, he has agreed to deposit amount of Rs. 6 Lakhs + 7 Lakhs within total period of 8 weeks. On 07/12/2016, at the behest of the applicant, order was modified and the applicant was granted permission to deposit the amount in installment.

3 Matter was thereafter adjourned for reporting compliance of the said orders and on 10/01/2017, this Court was made to understand that the order permitting the applicant to deposit 6 Lakhs + 7 Lakhs i.e. 13 Lakhs was complied with. As such, this Court admitted the matter and the applicant continued to enjoy freedom by virtue of bail order passed by this Court.

4 The fact remains that the said order passed by this Court on 14/09/2016 and 07/12/2016 are not complied with for a period of more than 18 months.

5 Criminal Application no. 106 of 2018 is moved by the applicant seeking extension of two weeks' time for reporting compliance and deposit the amount. The period mentioned in the application has already expired and the applicant has not shown his bonafide by depositing the amount.

6 Another application no. 105 of 2018 came to be moved before this Court wherein on 20/03/2018 this Court adjourned the matter to 02/04/2018 after recording assurance of the applicant that the amount as agreed will be deposited by way of tendering demand draft.

7 During the hearing of all these applications, the learned counsel for the applicant would strenuously press for one more extension on the grounds:

- (a) That the application for loan is moved through son of the applicant/accused, processing of which require sometime.

(b) In view of financial year ending, some more time is required to arrange the funds.

8 From the conduct of the applicant it could be noticed that applicant is playing tricks with this Court for last one and half year. Time and again, assurances and undertaking given to this Court are not taken to its logical end. In the aforesaid background, no equities fall in favour of the applicant.

9 In view thereof, prayer for extension for depositing the amount since found to be lacking bonafides, Criminal Application No. 106 of 2018 stands rejected.

10 Issue show cause notice to the applicant as to why Contempt proceedings be not initiated against him and why he should not be taken into custody. Contempt notice be replied by the applicant on 12/04/2018. Applicant who is present in the Court is identified by the learned counsel, waives notice.

11 Contempt notice is issued having regard to the fact that the undertaking given to this Court on 14/09/2016, 07/12/2016 is violated. A false statement is made before this Court on 10/01/2017 that the earlier order dated 07/12/2016 is complied with. While getting adjourned the matter before this Court in Criminal Application no. 105 of 2018, again an incorrect understanding was given to this Court that the amount will be deposited in this Court by 02/04/2018 through demand draft.

12 At the request of the learned counsel for the applicant, stand over to 12/04/2018 for submitting reply in Criminal Application no. 136 of 2018.

[NITIN W. SAMBRE, J.]