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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

***CRIMINAL REVISION APPLICATION NO.192 OF 2017
WITH
CRIMINAL APPLICATION NO.187 OF 2017***

Ibrahim Mukadam	..Applicant.
V/s.	
Mohammed Khalik & Ors.	..Respondents.

Mrs.Seema Singh i/b. Waseem Pangarkar for the applicant.

Mr.M.B. Kale for respondent No.1.

Mrs.M.R.Tidke, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : APRIL 13, 2018

PC.:-

This Court on December 28, 2017 has passed the following order :-

“ Since I was not inclined to consider grant of any adinterim relief, in view of the past conduct of the applicant of not surrendering before the Court, in spite of the pending warrant, the learned Counsel for the applicant does not press for any relief today and prayed that she may be allowed to move the matter

before regular Court.

2] *In view thereof, no orders. However, it does not mean that the applicant should not surrender pursuant to the warrant which is still remained to be executed. Though I am not passing any order, I may note here that the conduct of the applicant is highly objectionable and he has not shown any regard or respect for the orders passed by the lower Courts in the past. Therefore, even otherwise, I am not inclined to grant any relief to the applicant today .”*

2. The applicant, who is convicted for an offence punishable under section 138 of the Negotiable Instruments Act, 1881 by the learned Metropolitan Magistrate, 59th Court, Kurla Mumbai in C.C. No.166/SS/2013 and confirmed by the learned Additional Sessions Judge, Greater Mumbai in Criminal Appeal No.603 of 2014 vide order dated February 17, 2017 has not honoured the last order dated December 12, 2017 passed by this Court. As such, this Court so as to test the *bona fides* granted one more chance on February 24, 2018.

3. Till date, the applicant has not surrendered pursuant to the order of this Court which he was duty bound in law.

4. When the matter is called out today, the learned counsel for the applicant-accused sought adjournment and then made a

submission that the applicant will surrender by Monday or Tuesday i.e. April 16 or 17, 2018 and when the Court was about to record an undertaking, the learned counsel retracted from the statement.

5. The learned counsel for the applicant could have worked out the matter. However, the counsel showed her inability for want of papers. Both the revision and the application are dismissed for want of prosecution.

6. The trial Court shall forthwith issue conviction warrant against the applicant-accused. The trial Court shall call for the report from the concerned police station about the status of the above conviction warrant and submit the same to this Court by April 26, 2018.

7. The Senior Police Inspector of the concerned police station shall submit the status of the execution of the conviction warrant.

8. The learned APP undertakes to communicate the this order to the R.I.Kidwai Marg police station, Wadala.

(NITIN W.SAMBRE, J.)