

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

CRIMINAL WRIT PETITION NO. 4136 OF 2018

Mrs. Musarrat Jahan Jaffer Khan

... **Petitioner**

V/s.

Mrs. Farida Bharat Sewani & Anr.

... **Respondents**

Mr. Yadav P. R. I/b Sayed Shabana Mashkoor Ali for the Petitioner.

Mr. Ameet Palkar, APP for the Respondent/State.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 9th OCTOBER, 2018

P.C.:

. Rule. Rule made returnable forthwith. By consent of the parties, the petition is heard finally and disposed of at the stage of admission.

2 This Writ Petition is directed against the order of the issuance of Non-Bailable Warrant passed by the Judicial Magistrate First Class, Vashi on 10.07.2018 as the Petitioner who is Applicant/Accused remain absent at the time of pronouncement of judgment. The Petitioner was prosecuted by the Respondent No.2 under Section 138 of the Negotiable Instruments Act and the Petitioner was directed to pay compensation of Rs.17 lakhs to the complainant i.e. Respondent No.1. The Petitioner pursuant to the said Non-Bailable Warrant was arrested on 10.09.2018. Thereafter, she filed appeal on 11.09.2018 alongwith application for condonation of delay of 13 days.

3 Learned Counsel for the Petitioner has submitted that unless the application for condonation of delay is heard, her prayer for grant of bail in the said case cannot be entertained by the learned Judge of the Sessions Court. He submits that hence, he has filed this Writ Petition.

4 It is informed that in the said application for condonation of delay, notices are already issued by the learned Sessions Judge to the Respondents and the hearing of the said application is fixed on 15.10.2018. In view of this learned Sessions Judge is directed to decide the application for condonation of delay on 15.10.2018 itself. So also, this application for bail also to be considered on the same date.

5 With these directions, Writ Petition is disposed of.

(MRIDULA BHATKAR, J.)