

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

CRIMINAL WRIT PETITION NO.63 OF 2019

Shri Sailesh Sreeramulu & anr. ... Petitioners

Vs.

Vistra ITCL (India) Ltd. & Ors. ... Respondents

**With
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Mr.Mayur Khandeparkar I/b E.A. Sasi for the Petitioner in
WP/63/2019

Mr.E.A. Sasi for Petitioner in WP/64/2019 and WP/65/2019

Mr.Rajesh Kanojia with Deepika Prabhala I/b Res Juris for Resp.
No.1

Mr.Vinod Chate, APP, for Respondent – State in WP/63/2019 and
WP/64/2019

Ms.Veera Shinde, for respondent – State in WP/65/2009

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 8, 2019

P.C.:

1. Leave to amend to incorporate some typographical errors in the petition. Leave to file Vakalatnama.
2. In Writ Petition Nos.63 of 2019 and 65 of 2019, the petitioners against whom the process is issued under section 138 r/w 141 of the Negotiable Instruments Act, have challenged the order dated 22.10.2018 passed by the learned Metropolitan Magistrate, 33rd Court, Ballard Pier Mumbai in CC No.7059/SS/2018 by which the learned Metropolitan Magistrate has passed a conditional order in respect of plea and directed to deposit 20% of the cheque amount against each of the petitioners. In Writ Petition No.64 of 2019, the petitioner has prayed for quashing of the process dated 6.7.2018. The said prayer is not made in the other two Writ Petitions.
3. Rule. Rule made returnable forthwith by consent of the parties. By this common order, Writ Petition Nos.63 of 2019 and 65 of 2019 are being decided finally and Writ Petition No.64 of 2019 is partly decided.

4. Perused the order dated 22.10.2018. The order is passed on an exemption application moved by the accused persons. The learned Counsel for the respondent/original complainant is directed to move application under section 143A for depositing the cheque amount and the learned Magistrate to pass a separate order by taking steps under section 143A in accordance with law. The learned Magistrate is directed to pass a separate order on the exemption application. All the accused persons are directed to appear before the learned Magistrate on 21st January, 2019. The learned Magistrate to consider the application filed u/s 143A keeping in view of all the provisions of section 143A.

5. Writ Petition Nos.63 of 2019 and 65 of 2019 are accordingly disposed of. Writ Petition No.64 of 2019 is kept pending and be listed on 5.3.2019.

(MRIDULA BHATKAR, J.)