

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

CRIMINAL WRIT PETITION NO. 592 OF 2018

Mr. Reggi Lawrence Fernandes

...Petitioner

Versus

State of Maharashtra and Ors

...Respondents

Mr. Sushil Upadhyay a/w. Mr. Akash Singh i/b. Mr. Ashok Saraogi for petitioner.

Mr. Vikas Singh i/b. Lambay & Company for Respondent No. 2.

Mr. A.R. Patil, APP for Respondent – State.

CORAM : S.S. SHINDE, J.

DATE : 19th AUGUST 2019

P.C.:

1. Heard learned counsel appearing for the petitioner. He submits that, petitioner may be given one more opportunity to examine himself on oath. He further submits that, petitioner filed an application for exemption, however, said application was rejected and Non Bailable Warrant was issued by the concerned Court. It is submitted that, in the interest of justice one more opportunity may be given to the petitioner.

2. On the other hand, learned counsel appearing for contesting Respondent invites attention of this Court to the fact that, the evidence has been recorded and as a matter of fact, statements of accused under Section 313 of Code of Criminal Procedure has also

been recorded. At belated stage, the petitioner filed the said application. He further submits that, though the statement of the petitioner is recorded under Section 313 of Cr.P.C., it was possible for the learned Magistrate to pronounce the Judgment nevertheless the judgment is not pronounced due to stay granted by this Court.

3. Upon hearing learned counsel appearing for the parties and keeping in view the stage of arguments reached before the concerned Court after recording the statement of petitioner under Section 313 of Cr.P.C., an attempt of the petitioner to file an application for examining himself and further lead evidence at belated stage cannot be countenanced. The proceedings under Section 138 of the Negotiable Instruments Act are required to be heard and disposed of within a period of six months from institution, and evidence needs to be recorded within three months from assigning the matter as held by Hon'ble Supreme Court in the case of **Indian Bank Association & Ors Vs. Union of India & Ors. reported in (2014) 5 SCC 590**. In view of above, no case is made out. Hence, writ petition stands rejected.

(S.S. SHINDE, J.)