

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

**CRIMINAL APPLICATION No. 152 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 528 OF 2018**

Ganesh Benzoplast Limited ...Applicant

Versus

Rajeev Khandelwal & Anr. ...Respondents

**WITH
CRIMINAL APPLICATION No. 137 OF 2019
IN
CRIMINAL REVISION APPLICATION No. 528 OF 2018**

Ganesh Benzoplast Limited ...Applicant

Versus

Rajeev Khandelwal & Anr. ...Respondents

Ms.Chaula Solanki a/w. Mr. H.H.Nagi, Ms.Sangeeta Karkera I/b. Nagi and Associates for the Applicant.

Mr.Prabhakar M. Jadhav for Respondent No.1.

Mr.A.R.Patil, APP for Respondent No.2-State.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 20 MARCH 2019**

P.C.:

1. Upon urgent mentioning, taken on production board.

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2. By this Criminal Application, the applicant/ original complainant prays that this Court may issue conviction warrant / distress warrant against respondent No.1/accused or to alternatively direct the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai to issue conviction warrant/ distress warrant against respondent No.1/accused.

3. Respondent No.1 has challenged the order dated 07.02.2019 passed by this Court directing respondent No.1/accused to deposit Rs. 1 Crore 65 lacs till 07.03.2019, however, the Supreme Court reduced the said amount, but directed respondent No.1/accused to deposit Rs.55 lacs on or before 11.03.2019 failing which the bail granted to respondent No.1/accused by High Court, Bombay shall stand cancelled.

4. The learned counsel for the applicant submits that respondent No.1/accused did not deposit Rs. 55 lacs till 11.03.2019 and, therefore, the order of granting bail to respondent No.1/accused be cancelled. She further submits that the applicant has moved before the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai for issuing conviction warrant/ distress warrant against respondent No.1/accused. However, it is not clear whether the order of granting bail by this Court is

cancelled or not and, therefore, the learned Magistrate did not issue conviction warrant/ distress warrant against respondent No.1/accused.

5. The learned counsel for respondent No.1/accused submits that he be given time to verify and, therefore, prays that the matter be adjourned.

6. In view of above submissions and as directed by the Supreme Court, an amount of Rs. 55 lacs has not been paid by respondent No.1/accused till today, I do not find any reason to adjourn the matter. It is clarified that the order of granting bail to respondent No.1/accused and also the order of suspending sentence is hereby vacated. The applicant may again approach the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai and ask for issuing conviction warrant/ distress warrant against respondent No.1/accused.

7. With this, Criminal Application is disposed of.

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8. By this Criminal Application, the applicant prays that the passport of respondent No.1/accused be kept in the registry of High Court.

9. This Application can be placed before the learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai.

10. With this, Criminal Application is disposed of.

(MRIDULA BHATKAR, J.)