

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION NO. _____ OF 2019

IN

CRIMINAL APPEAL NO.285 OF 2007

[M/s. Lucky Enterprises .vs. Nandkishore s/o Gyarsilaji Gupta and one]

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Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

.....
Shri S.R. Gupta, Advocate for applicant,
Shri Mahesh Rai, Advocate for non-applicant no.1,
Ms A.R. Kulkarni, APP for non-applicant no.2-State.

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CORAM : MRS. SWAPNA JOSHI, J.

DATED : MARCH 15, 2019.

As non-applicant-respondent no.1 failed to remain present in this Court, bailable warrant was issued against respondent no.1. Despite service of bailable warrant, he failed to remain present in the Court and therefore non-bailable warrant came to be issued by this Court on 5.3.2019, which was executed and respondent no.1 is accordingly produced in the Court today.

Respondent no.1 has filed this application for grant of bail. Heard. Perused the application.

Learned advocate for respondent no.1 contended that since his previous counsel did not attend the Court, non-bailable warrant came to be issued against respondent no.1. He further submits that henceforth respondent no.1 shall remain present in the Court on the date of hearing or as and when directed by this Court.

Learned advocate for appellant as well as learned APP for respondent no.2-State opposed the said application and submitted that respondent no.1 may be directed to remain present in the Court on the date of hearing of the appeal.

In view of the facts and circumstances of the case, the following order is passed :

Respondent-Non-applicant no.1 is directed to be released on bail

on his furnishing one or two sureties in the sum of Rs.20,000/- and P.R. Bond in the like amount.

The learned counsel for respondent no.1 mentioned before this court that he is unable to furnish the sureties and requested that he may be permitted to deposit the cash security. Looking to his difficulty, permission is granted.

Respondent no.1 is hereby directed to be released on bail on his depositing cash amount of Rs.20,000/- with the Registry of this Court. Registry to accept the amount of Rs.20,000/- today itself.

Respondent no.1 is further directed to furnish solvent surety in the like amount within a period of one week before the trial court.

Respondent no.1 is directed to attend the Court on the date of hearing of the appeal positively.

With this order, Criminal Application stands disposed of.

CRIMINAL APPEAL NO.285/2007

Learned counsel for appellant and respondents submit that the matter be referred for mediation as there is possibility of amicable settlement and also recommended the name of Advocate Shri A.V. Bhide, as Mediator.

In the circumstances, High Court Legal Services Sub-Committee, Nagpur to take steps and appoint above named Advocate as Mediator.

Parties shall appear before the learned Mediator on 25.03.2019 at 2.00 pm.

Stand over to 08.04.2019 for interim mediation report.

Copy of this order be sent to the High Court Legal Services Sub-Committee, Nagpur.

JUDGE