

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

CRIMINAL APPLICATION (BA) NO.769/2019

Pratish s/o Sharad Mulay .vs. Sate of Maharashtra through PSO P.S.
Dhantoli, Nagpur and anr.

WITH

CRIMINAL APPLICATION (BA) NO.770/2019

Pratish s/o Sharad Mulay .vs. Sate of Maharashtra through PSO P.S.
Dhantoli, Nagpur and anr.

WITH

CRIMINAL APPLICATION (BA) NO.771/2019

Pratish s/o Sharad Mulay .vs. Sate of Maharashtra through PSO P.S.
Dhantoli, Nagpur and anr.

WITH

CRIMINAL APPLICATION (BA) NO.772/2019

Pratish s/o Sharad Mulay .vs. Sate of Maharashtra through PSO P.S.
Dhantoli, Nagpur and anr.

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

Court's or Judge's orders.

Mr. A. C. Jaltare, Advocate for applicant.
Mr. M. J. Khan, A.P.P. for non applicant no.1.
Mr. A. K. Choube, Advocate for non applicant no.2.

CORAM : V. M. DESHPANDE, J.

DATED : OCTOBER 3, 2019

Heard Mr. Jaltare, learned counsel for applicant,
Mr. Khan, learned A.P.P. for non applicant no.1 and Mr.
Choube, learned counsel for non applicant no.2.

Non applicant no.2 filed four different complaints
in the Court of learned Magistrate since four different
cheques given by the present applicant in his favour were
not honoured by the banker of the present applicant. After
issuance of summons in these four complaints, applicant

appeared and he was released on bail. The trial proceeded. The evidence on behalf of complainant in all four cases was completed. Apart from complainant, the complainant has also examined witnesses to support his case. Statement of the applicant was also recorded under Section 313 of the Code of Criminal Procedure. Thereafter, after recording evidence of three witnesses when the case was fixed for recording the evidence of the applicant, the applicant did not remain present before the Court. This has occurred in the year 2009. Thereafter, the applicant was not appearing.

According to learned counsel for complainant, one day complainant noticed presence of applicant in Nagpur city. Therefore, he moved an application for issuance of non bailable warrant against applicant and in execution of said warrant, applicant was arrested and produced in the Court of learned Magistrate before whom the application for bail was moved. However, said was rejected. Consequently, applicant filed four different revisions before the revisional Court. Those revisions were decided by learned Additional Sessions Judge, Nagpur on 09.08.2019 by a common order and directed the learned Magistrate to decide the complaint case within a period of 15 days.

After the said order, present four applications for bail were moved before this Court since the applicant is in jail. Total amount of the four cheques is Rs.84,200/-. These four applications were listed before this Court and this Court (Coram: Manish Pitale, J.) on 14.08.2019 released the applicant on interim bail on a condition that the applicant

shall deposit Rs.84,200/- i.e. total amount of the for cheques, before the Court within four days and also execute P.R. Bond of Rs.25,000/-. The applicant was further directed to cooperate with Additional Chief Judicial Magistrate, Nagpur for disposal of these four cases.

It is the submission of learned counsel for the applicant that in pursuant to the order passed by this Court, the applicant has deposited Rs.82,200/- within the stipulated time in the Court of learned Additional Chief Judicial Magistrate, Nagpur. The said statement is not disputed by the learned counsel for the complainant. Accordingly, the applicant was released on bail.

Learned counsel for applicant submits that pursuant to his release, applicant has extended his full cooperation for early disposal of complaint. However, it is the submission that the complainant is seeking time. Mr.Choube, learned counsel also submits that he has also moved applications. Be that as it may, the trial could not be completed because of the applicant.

Since applicant has deposited entire cheque amount and examination of the applicant is over and the complaints are being adjourned on behalf of the complainant only to cross-examine the applicant, in the interest of justice, I pass the following order.

ORDER

- (i) The applications are allowed.
- (ii) Interim order granted by this Court on 14.08.2019 stands confirmed and made absolute.

(iii) It is reported that the next date before the learned Additional Chief Judicial Magistrate, Nagpur is on 07.10.2019. On the said day, the applicant shall remain present before the Court so that he could be cross-examined by the complainant.

(iv) Learned Additional Chief Judicial Magistrate is directed to decide all the complaints within a period of one month from 07.10.2019.

The applications are disposed of.

JUDGE

kahale