GAHC010306742019

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Pet. 1470/2019

1:BILLAL HUSSIAN
S/O MONTAZ ALI, R/O VILL AND P.O.-BECHIMARI, P.S.-DALGAON, DIST-DARRANG, ASSAM

VERSUS

1:MAHINDRA AND MAHINDRA FINANCIAL SERVICES LTD.
HAVING ITS REGISTERED OFFICE AT SADHANA HOUSE, 2ND FLOOR, BEHIND MAHINDRA TOWER, 570 P.B. MARG, WORLI, MUMBAI-400018 AND AT GATEWAY BUILDING, APOLLO BUNDER, MUMBAI-400001 AND ITS GUWAHATI REGIONAL OFFICE AT 3RD FLOOR, KUSHAN PLAZA, ABOVE MUKESH HYUNDAI, GANESHGURI, GUWAHATI-781006 AND IS REPRESENTED BY ITS DEPUTY MANAGER, LEGAL, SRI BHOLA NATH SHARMA, GUWAHATI

Advocate for the Petitioner : MR A ALI

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR

ORDER

Date : 20-01-2020

Heard Mr. A. Ali, learned counsel for the petitioner.

By this petition under Section 482 Cr.P.C., the petitioner has prayed for setting aside and quashing the impugned order, dated 14.11.2019, passed by the learned Judicial Magistrate, 1st Class, Kamrup(M) at Guwahati in C.R. Case No. 2139C/2018, whereby the Non-bailable Warrant of Arrest has been issued against him, who is arrayed as an accused in the case.

Mr. A. Ali, learned counsel for the petitioner submits that admittedly the petitioner obtained a loan to purchase a vehicle for commercial purpose but after obtaining the loan he got a huge loss in his business for which he failed to repay the loan amount. Mr. Ali, however, further submits that due to financial hardship, the petitioner had failed to appear before the learned trial Court on 27.02.2019 and 24.11.2019 and consequently, the learned trial Court has issued NBWA against him.

Perusal of the case diary reveals that the petitioner has been prosecuted under Section 138 of the NI Act for cheque bounce, which he issued.

Having considered the averments made in the petition and hearing the learned counsel for the petitioner, without going deep into the merit of the petition, it is provided that the petitioner shall appear before the learned Court below on or before 19.02.2020 and till then, the execution of NBWA issued against him shall be kept in abeyance.

With the above direction, the petition stands disposed of.

JUDGE

Comparing Assistant