

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

CRIMINAL WRIT PETITION NO. 677 OF 2020

Inderjeet Jagdish Arya & anr. ..Petitioners.

v/s.

Canbank Factors Ltd & anr. ..Respondents.

Mr. Kamleshwar Ramnaresh Tiwari, advocate for petitioners.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : MARCH 19, 2020.

P. C. :

1 Heard the learned Counsel for the petitioners and the learned APP for State.

2 The petitioners herein are challenging the order dated 27/1/2020 by which non-bailable warrant has been issued against the present applicant. The learned Court has observed that the applicant has not appeared before the court since 2018 and hence, Court in order to ensure the presence of the accused at the time of trial has issued non-bailable warrant.

3 In fact, the Petitioners are convicted by the Metropolitan Magistrate Court at Bandra vide Judgment and
Talwalkar

Order dated 10/9/2014 for offence punishable under section 138 of the N.I. Act. The Petitioners were aware that the Official Liquidator has been appointed. Despite that, the said fact was not brought to the notice of the learned Sessions Court. The petitioners were enlarged on bail and the sentence was suspended on condition that he would deposit 30 percent of the cheque amount, which is not deposited till today.

4 Learned Counsel for the Petitioners submits that inadvertently, it was never brought to the notice of this Court. However, the said submission cannot be considered, as no new ground has been made out to stay the conviction by this Court, especially when the appeal is pending before the District Court.

5 The application seeking exemption from deposit 30 percent amount was rejected by this Court vide order dated 16/11/2016. However, no steps have been taken by the petitioners.

6 The learned Counsel for the Petitioners submits that the petitioners would appear before the Court on 7th April, 2020 and get the non-bailable warrant cancelled.

7 In view of the above, non-bailable warrant issued vide order dated 27/1/2020 by the Learned Sessions Court, Gr.

Talwalkar

Bombay is stayed till 4.30 p.m. of 7th April, 2020. The Petitioners shall mark their presence before the court and get the non-bailable warrant cancelled. Upon failure, the learned Sessions Court shall issue conviction warrant forthwith.

8 The Writ Petition is disposed of on the above terms.

[SMT. SADHANA S. JADHAV, J.]