HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 3216/2020

Davilal S/o Lalu, Aged About 38 Years, By Caste Bhill, R/o Bhamreyapada, Panchayat Samiti Khujari, Dist. Banswara (Rajasthan).

----Petitioner

Versus

1. State, Through P.p.
2. Ishitiyar Ahmed S/o Faruk Ahamed, By Caste Musalman, R/o 5/200 Mahi Colony, Banswara.

----Respondents

For Petitioner(s) : Mr. Parikshit Nayak, through V.C.
For Respondent(s) : Mr. Sudhir Tak, PP.

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

26/11/2020

The present misc. petition under Section 482 Cr.P.C. has been filed by the petitioner against the order dated 18.12.2019 passed by learned Addl. District Judge, Banswara in Criminal Appeal No.17/2014 whereby the learned Judge seize the bail bonds of the petitioner and issue arrest warrant against the petitioner and initiate the proceedings under Sections 446 Cr.P.C.

Counsel for the petitioner submits that the learned court below did not attempt positive and sincere attempt for confirming the service upon the petitioner. Counsel further submits that the matter pertains to dishonour of cheque which could be said to be basically a civil dispute. In such circumstances, a limited prayer has been made that the arrest warrant so issued against the petitioner may be converted into bailable warrant and the

petitioner is ready to appear before the trial court. He is also ready to deposit the amount of proceedings under Section 446 Cr.P.C.

Learned Public Prosecutor oppose the prayer made by the counsel for the petitioner.

Heard the learned counsel for the parties.

In these facts and circumstances of the present case, I deem it appropriate that the arrest warrant issued against the petitioner by the trial court be converted into bailable warrant of Rs.50,000/-. The petitioner is directed to appear before the trial within a period of 15 days and submit the bail bond. Petitioner is also directed to appear each and every date fixed by the learned trial Court and deposit the amount of proceedings under Sections 446 Cr.P.C. within fifteen days. If the petitioner fails to appear before the trial Court within the stipulated period, then the trial Court shall issue arrest warrant against the petitioner.

The misc. petition is disposed of accordingly.

Stay petition is also disposed of.

(MANOJ KUMAR GARG),J

35-Ishan/-

RAJASTHAN HIGH COURT
सत्यमेव जयते