

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 CRIMINAL WRIT PETITION NO.199 OF 2020

M/S. ROYAL ENTERPRISES THROUGH ITS PROPRIETOR ISHAK ALI
MOHAMMED MERCHANT AND ANR
VERSUS
M/S. A INFRASTRUCTURE LIMITED AURANGABAD THROUGH SR.
MANAGER, FINANCE AND ACCOUNTS

Mr.Md. Imran Khan M. Ismail Khan, Advocate for the
petitioners.

Mr.Ambar S. Barlota, Advocate for the sole respondent.

CORAM : N.R.BORKAR, J.

DATED : 02.12.2021

PC :-

01. This petition takes an exception to the order
dated 30.12.2019 passed by the learned Magistrate in SCC
No.3510 of 2010.

02. By the said order the learned Trial Court
refused to cancel non-bailable warrant issued against the
petitioners. Said order was challenged before in the
revision. However, revision was dismissed as not
maintainable.

03. This Court initially by order dated 14.02.2020 stayed the execution of the non-bailable warrant issued against the petitioners and directed the petitioners to appear before the learned Magistrate for recording their statement under section 313 of the Cr.P.C. It was further directed that the failure of the petitioners to attend the Trial Court would result in automatic vacation of interim stay order. The petitioners were further directed to deposit an amount of Rs.25,000/- before the Trial Court as costs.

04. It is not in dispute that pursuant to the above said order passed by this Court dated 14.02.2020, the petitioners appeared before the learned Trial Court and their statement under section 313 of the Cr.P.C. came to be recorded. However, it appears that thereafter the petitioners again stopped attending the Trial Court and thus an application was moved before this Court for vacation of interim order. This Court by order dated 06.10.2021 allowed the said application and vacated the

interim order dated 14.02.2020.

05. It appears from the copy of Roznama tendered by the learned Counsel for the respondent that the Trial Court has issued fresh non-bailable warrant against the petitioners, in view of their non-appearance before the Trial Court. Considering these facts and circumstances, no interference is called for in the impugned order. The petition is dismissed.

[N.R.BORKAR, J.]