

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

904 CRIMINAL APPLICATION NO.2255 OF 2021

IN

WRIT PETITION NO. 199 OF 2020

M/s. A Infrastructure Limited
(A.C. Sheet Division), Plot No.41,
MIDC, Chikalthana, Aurangabad.
Through its authorized signatory

... Applicant
(Orig. Respondent/Complainant)

Versus

M/s. Royal Enterprises & Anr.

... Respondents
(Orig. Petitioners/Accused)

...

Mr. Barlota Ambar S., Advocate for the Applicant

...

CORAM : SURENDRA P TAVADE, J.

DATE : 6th October, 2021

P.C. :

1. Heard learned counsel for the applicant.
2. Perused the order passed by this Court on 14.02.2020. It appears that, the respondents were not attending the Court's hearing of the case filed against them. Hence, non-bailable warrant (NBW) was issued by the Trial Court. The respondents filed an application for cancellation of the warrant. The said application came to be rejected. Hence, the respondents had filed revision against the said order, which was also dismissed. Hence, the respondents preferred Writ

Petition bearing Writ Petition No.199/2020, wherein, this Court granted stay to the execution of 'NBW' till 18.03.2020 and also imposed costs on the respondents. The respondents deposited the costs before the Trial Court and appeared. Thereafter, their statements under Section 313 of the Code of Criminal Procedure were recorded by the Magistrate, but since then, they are not attending the hearing of the case. The matter is adjourned for final arguments from time to time, but respondents remained absent. It is contended that, the applicant had submitted an application for issuance of warrant but the Trial Court had not issued the warrant on the ground that this Court has stayed the execution of 'NBW' issued earlier but in fact, the said order was for limited period and it expired on 18.03.2020. There was no hitch for the learned Magistrate for issuance of order as per law. Hence, it appears that, in pursuance of the order dated 14.02.2020, the respondents appeared before the Trial Court and partly complied with the order. Therefore, the said order is required to be vacated. Hence, I pass the following order:

ORDER

- i) Criminal Application is hereby allowed.
- ii) The order dated 14.02.2021 passed by this Court is vacated to the extent of stay to the execution of warrant issued against the respondents.

iii) Trial Court is directed to proceed with the matter as per law.

3. List the original Writ Petition on 21.10.2021.

(SURENDRA P. TAVADE, J.)

Sameer