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

WRIT PETITION NO.3713 OF 2022

Shivanand Bhoja Shetty & Anr. ... Petitioners
V/s.
Vipin Bhimraj Shah & Anr. ... Respondents

Mr. Kunal H. Kamble i/by7 K. Kamble for the petitioners.

Mr. Rahul Gaikwad with Ms. Reshma Nair and Ms. Nikita Abhyankar i/by Gravitas Legal for the respondent no.2.

Mrs. G.P. Mulekar, APP for the State.

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CORAM : AMIT BORKAR, J.

DATED : OCTOBER 17, 2022

P.C.:

1. The petitioner is challenging rejection of an application below Exhibit 163 seeking two prayers: (i) for dropping proceedings under section 138 of the Negotiable Instruments Act, 1881; and (ii) to modify the charge/plea.

2. Undisputedly, the proceedings are fixed for final arguments and the complainant's oral arguments are going on. In that view of the matter, the petitioner would be entitled to raise the non-framing of charge or the contention of statutory bar under section 14 of the Insolvency and Bankruptcy Code, 2016 at the time of final arguments.

3. In that view of the matter, nothing remains to be adjudicated in the present petition.
4. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)