

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

CRIMINAL APPLICATION NO. 915 OF 2022

Sankara Reddy Kattamadi And Anr. ...Applicants
Versus
Amit Gade And Anr. ...Respondents

....

Ms. Lalita Savekar h/f Mr. Kulkarni and Associate, Advocate for the Applicants.

Mr. A. R. Patil, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 30th SEPTEMBER, 2022.

PER COURT:

1. The application is preferred for cancellation of non bailable warrant issued against Applicant Nos.1 and 2 in the proceedings under Section 138 of Negotiable Instruments Act. It is submitted that, the applicant had preferred Revision Application before the Sessions Court. The said Revision Application challenging the order of process has been rejected on 17th September, 2022. Apparently there was no stay in the Revision Application preferred by the applicants.

2. Learned Advocate for the applicant on instruction submits that, the applicants are willing to appear before the trial Court on the next date of hearing and the Court can record the plea of the applicants on the next date. However, the warrant issued against them may be cancelled.

3. Learned counsel for the Respondent/complainants submitted that, proceedings are pending since 2019. There was no stay before Sessions Court in Revision Application preferred by the Applicant. The learned Magistrate had issued non bailable warrant. The applicants tried to give impress that there was stay applicable to them, which was granted in the connected Revision Application filed by the co-accused. Since applicants have agreed to appear before the trial Court before the next date of hearing on 15th December, 2022 and that plea can be recorded by the Court on that day, the prayer for cancellation of non bailable warrant can be granted.

ORDER

- i. Non bailable warrant issued against applicants vide order dated 17th September, 2022 in C.C. No.5721/SS/2019 pending before the Court of Metropolitan Magistrate 33rd Ballard Pier, Mumbai is cancelled. The applicant shall appear before trial Court on 15th December, 2022 and the trial Court is at liberty to record the plea of accused.
- ii. Application is disposed off.

(PRAKASH D. NAIK, J.)