

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

**CRIMINAL APPLICATION NO.240 OF 2023
WITH
CRIMINAL APPLICATION NO.241 OF 2023
WITH
CRIMINAL APPLICATION NO.238 OF 2023
WITH
CRIMINAL APPLICATION NO.239 OF 2023**

Satbir S. Narang & Anr.

.... Applicants

versus

Sanjay Kishin Shahani & Anr.

.... Respondents

.....

- Mr. Rushabh Vidyarthi i/b. Kashish Bijlani a/w Parth Parikh, Advocate for Applicant.
- Mr. Sanjay Bhojwani a/w Naresh Parihar, Advocate for Respondent No.1.
- Mr. M. G. Patil, APP for the State/Respondent No.2.

**CORAM : SARANG V. KOTWAL, J.
DATE : 12th JUNE, 2023**

P.C. :

1. In all these applications, the Applicants are challenging the order passed by the 2nd Joint Judicial Magistrate First Class, Cantonment Court, Pune, dated 16/01/2023 in four different cases. By the impugned orders, the learned Magistrate used his

discretion u/s 143-A of the Negotiable Instruments Act and directed the Applicants to deposit 20% of the amount of cheques which were the subject matter of the trials.

2. Heard Mr. Rushabh Vidyarthi, learned counsel for the Applicant, Mr. Sanjay Bhojwani, Advocate for Respondent No.1 and Mr. M. G. Patil, learned APP for the State.
3. I have heard both the learned counsel for quite some time. All these matters can be decided together as both the learned counsel agree that the trials can be made time bound and in that case the complainant i.e. the Respondent No.1 would not insist on such deposit of 20% of the amount. The submissions made by both the learned counsel and in particular learned counsel for Respondent No.1 are quite fair.
4. Learned counsel for the Respondent No.1 submits that the impugned orders can be set aside without expressing any opinion on the merits of the matters and also that this

concession on the part of the Respondent No.1, shall not be construed in any manner against his case.

5. Learned counsel for Respondent No.1 submitted that the Trial Court be directed to conclude the trial within a reasonable time.

6. I have considered these submissions. As rightly submitted by learned counsel for the Respondent No.1 the impugned orders can be set aside without expressing anything on the merits of the matter either in favour of the complainant or in favour of the accused/Applicants. All the contentions can be specifically left open.

7. On these observations, learned counsel for the Respondent No.2 has no objection if the impugned orders are set aside. It would be in the interest of both the parties that the trials are decided expeditiously.

8. Considering these submissions, following order is passed :

ORDER

- (i) All these applications are allowed.
- (ii) The impugned orders dated 16/01/2023 passed by the 2nd Joint Judicial Magistrate First Class, Cantonment Court, Pune, in SCC No.1626/2019, SCC No.1730/2019, SCC No.1715/2019 and SCC No.1714/2019 passed u/s 143-A of Negotiable Instruments Act, are set aside.
- (iii) It is made clear that these orders are not set aside based on the merits of the matters.
- (iv) The issues raised in the complaint as well as the defence of the Applicant are specifically left open to be decided at the time of trial.
- (v) Setting aside of these orders shall not be construed in any manner regarding the merits of these cases. It shall not be construed that this

Court has expressed any opinion against the original complainant i.e. the Respondent No.1.

- (vi) The Trial Court shall decide all these cases finally within a period of six months from today, in accordance with law.
- (vii) Both the parties shall co-operate with the disposal of the cases within this time frame.
- (viii) The Revision Applications are disposed of accordingly.

(SARANG V. KOTWAL, J.)