

Nikita

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

WRIT PETITION NO.1395 OF 2023

Sunanda Baban Gaikwad ... Petitioner
V/s.
State of Maharashtra and Anr ... Respondents

Mr. Amogh k. Karandikar for the Petitioner.

Ms. Swati V. Ughade, respondent No.2 is present in person.

Mr. M.R. Tidke, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 19, 2023

P.C.:

1. Challenge in this petition is to the order dated 17th February 2023, and 29th March 2023.
2. The petitioner is an accused in a proceedings under Section 138 of the Negotiable Instruments Act, 1881. Complainant who is respondent No.2 appears in person. By consent of the parties, following order is passed.
3. The impugned order dated 17th February 2023, and 29th March 2023, are quashed and set aside subject to petitioner paying amount of Rs. 10,000/- to respondent No.2, within one week from today.
4. In case, of failure to pay amount of Rs. 10,000/- within one week from today, the impugned order shall stand revive.

5. If the amount of Rs. 10,000/- is paid to the complainant, the petitioner is permitted to *lead* evidence for support of his defense. The petitioner shall examine *herself* on 21st April 2023. The petitioner shall, thereafter, examine remaining two witnesses within three weeks from *22nd May, 2023*.
6. The learned Magistrate is requested to deliver the judgment as expeditiously as possible after the completion of *evidence* by the parties.
7. The writ petition is disposed of. No costs.

(AMIT BORKAR, J.)

Note :- This order is modified as per order dated 26th April, 2023. The corrections in the paragraph Nos 5 and 6 are shown in italicize)