

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

**CRIMINAL APPLICATION NO.960 OF 2023
WITH
CRIMINAL APPLICATION NO.961 OF 2023
WITH
CRIMINAL APPLICATION NO.962 OF 2023
WITH
CRIMINAL APPLICATION NO.959 OF 2023**

Sudhir Devidas Gavhal

...Applicant

Versus

Namdev Krushna Gondhali & Anr

...Respondents

Mr. Jenish Jain, i/b Sumit S. Kate a/w Sonali R. Chavan, Advocate for Applicant in all Applications.

Mr. Sachin S. Punde, Advocate for Respondent No.1 in all Applications.

Mr. Arfan Sait, APP for State/Respondent in APL/960/2023, 962/2023 & 959/2023.

Mr. A.R. Patil, APP for State/Respondent in APL/961/2023.

CORAM : SARANG V. KOTWAL, J.

DATE : 1st SEPTEMBER 2023

PC :

1. The Applicant in all these Applications is the Accused in the prosecution lodged by the Respondent No.1 under Section 138 of the Negotiable Instruments Act, 1881. During the course of trial, the learned Judicial Magistrate First Class (for short

“J.M.F.C.”), Panvel issued non-bailable warrant as the Applicant had not remained present. Learned Counsel for the Applicant states that he has no intention to delay the trial or to evade the process of law. He stated that the Applicant will attend the trial Court proceedings regularly unless prevented by unavoidable causes.

2. I have also heard learned Counsel for the Respondent. He submitted that the Applicant be directed to attend the Court regularly.

3. Considering these submissions, the non-bailable warrant issued against the Applicant in these cases, can be stayed for a certain period to enable him to approach the said trial Court within a reasonable period for setting aside the non-bailable warrant issued against him.

4. Hence, the following order:

ORDER

i) The execution of non-bailable warrant issued

against the Applicant pursuant to the orders dated 15th June 2023 passed in Summary Criminal Case Nos.1282/2016, 4377/2016, 3900/2016 and 2521/2016, is stayed for a period of six weeks from today.

- ii) Within the aforesaid period, the Applicant shall approach the said Court and make appropriate Applications for cancellation of the non-bailable warrants issued against him.
- iii) The Applicant shall attend the trial regularly unless prevented by a reasonable cause acceptable to the learned trial Judge. In case the Applicant does not remain present without reasonable cause, the trial Court is at liberty to take steps in accordance with law.
- iv) With these observations, the Applications are disposed of.

(SARANG V. KOTWAL, J.)