

GRM

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

CRIMINAL APPLICATION NO. 1452 OF 2022

Saji Joseph ... Applicant

V/s.

The State of Maharashtra & Anr. ... Respondents

Mr. Saurav Chhetri a/w Tahira Siddhique h/f K. T. Thomas, Adv. for the Applicant.

Mr. Arfan Sait, APP for the State/Respondent.

Mr. Abhishek Karnik a/w Pooja Shah i/b Aagam J. Doshi, Adv. for Respondent No. 2.

CORAM : R. G. AVACHAT, J.

DATED : FEBRUARY 7, 2023

P.C. :

Mr. Abhishek Karnik marked his appearance for the respondent no. 2.

2. Heard the learned Advocate for applicant.

3. Learned Advocate for applicant informs that the applicant was the authorized dealer of Bajaj Electricals Limited. According to him, the respondent-company all of a sudden given dealership to someone else. As a result, the applicant suffered loss in the business. He therefore decided to settle the matter. The statement of account has been placed on record to indicate that it was the respondent-company, which owes him some amount. According to him, the goods in his possession, were returned to the respondent-company and as such, the applicant owes nothing.

4. Whatever submissions made by learned Advocate for the applicant, are the matter of fact, which could only be decided by the Trial Court.

5. Admittedly, the cheque was issued as a security. It was put to realization when something was found to be due from the applicant. As such, whatever has been urged before this Court, is a question of fact that can be taken into consideration by the Trial Court itself.

6. So far as regards the non-bailable warrant issued against the applicant is concerned, this Court is inclined to set aside the same on the condition that the applicant shall appear before the Trial Court on the next date. In view of the above, the application stands disposed of.

(R. G. AVACHAT, J.)