

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

CRIMINAL APPLICATION (APL) NO. 713 OF 2023

APPLICANT : Revati Associates and Infrastructure
Pvt. Ltd., through its Proprietor Shri
Suhas Ratnakar Morey, Aged – 50
years, Occupation – Business, R/o.
Plot No.52, Gudadhe Layout, Bhamti,
Nagpur – 440022.

//VERSUS//

NON-APPLICANT : Mahadeo S/o. Amrutji Sakharkar,
Aged 52 years, Occupation – Service,
R/o. Plot No.63, Gajanan Nagar,
Trimurti Nagar, Nagpur – 440022.

Mr. Ritesh N. Badhe, Advocate for the Applicant.

Mr. P.S. Kshirsagar, Advocate for the Non-applicant.

CORAM : G. A. SANAP, J.

DATED : 24th JULY, 2023.

ORAL JUDGMENT

Heard.

02] **Admit.** The application is heard finally with the consent
of the learned advocates for the parties. Perused the record and
proceedings.

03] This application can be disposed of in view of the statements made across the bar by learned advocates for the parties.

04] Learned advocate for the applicant submitted that in the pending appeal before the State Consumer Disputes Redressal Commission, Maharashtra State, Circuit Bench, Nagpur (hereinafter referred to as “the Commission” for short), the applicant will deposit the entire amount on or before 5th October, 2023. Learned advocate further submitted that applicant, on cancellation of non-bailable warrant, will file an undertaking to that effect before the Commission, within a week from today.

05] Learned advocate for the non-applicant submitted that, if the applicant files an undertaking, as stated above, and deposits the amount on or before 5th October, 2023, the Court may pass an appropriate order with regard to the cancellation of non-bailable warrant.

06] It needs to be stated that, in this Court, the applicant has deposited Rs.15,000/- (rupees fifteen thousand only). It is made clear that the amount deposited in this Court shall be taken into consideration while working out the final amount payable by the applicant.

07] In view of the statement made by learned advocate for the applicant, the order passed by the Commission dated 20th April, 2023 rejecting the application for cancellation of non-bailable warrant, is set aside. The application for cancellation of non-bailable warrant is allowed. The non-bailable warrant is cancelled, subject to the condition that the applicant shall pay the entire amount on or before 5th October, 2023.

08] It is also made clear that the applicant shall file a specific undertaking before the Commission that he will pay the entire amount on or before 5th October, 2023.

09] The non-applicant is permitted to withdraw amount of Rs.15,000/- (rupees fifteen thousand only) deposited in this Court.

10] The application is disposed of in the above terms.

(G. A. SANAP, J.)

Vijay