



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

CRIMINAL WRIT PETITION NO. 798 OF 2023

Ortho Relief Hospital and Research Centre

..vs..

Kiran Agencies and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Sahil Dewani, Advocate for the petitioner.

Shri S.M. Joshi, Advocate for the respondents.

CORAM : VINAY JOSHI AND M.W.CHANDWANI, JJ.
DATED : 15/12/2023.

Heard.

2. The petitioner has filed a complaint alleging the commission of offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ('the NI Act'). The Trial (in SCC No.6584/2018) was ended into conviction vide judgment and order dated 05.11.2022. Being aggrieved, the respondent(accused) has filed the Criminal Appeal No.283 of 2022, which is pending in the Special Court appointed to deal the matter of senior citizens.

3. The respondents have deposited 30% amount in pursuance of Section 148 of the NI Act. The petitioner has applied for withdrawal however the Special Court has not heard the said application. In the situation, the petitioner only urged to issue direction to the Special Court to decide the appeal expeditiously.

4. Learned Counsel appearing for the respondents, undertakes to make the final arguments in the appeal

before the Special Court till the end of January, 2024.

5. In view of the above, the Special Court is directed to fix a suitable date of final hearing till the end of February 2024 and decide the matter within one month from the date of final arguments.

6. The learned Counsel for the petitioner would submit that if final arguments are concluded before the end of January 2024, he would not press withdrawal application.

7. Inform the concerned Court accordingly.

8. The petition stands disposed of accordingly.

(M.W.CHANDWANI, J.)

(VINAY JOSHI, J.)

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