

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

CRIMINAL WRIT PETITION NO.3055 OF 2025

Boopaty Karunakara Bala and Ors.

...Petitioners

V/s.

The State of Maharashtra and Anr.

...Respondents

Ms.Asha A. Pawar i/b. Mr.Sachindra Tiwari:-	Advocate for Petitioners.
Ms.Rashmi S. Tendulkar:-	APP for Respondent No.1 -State.

CORAM : S. M. MODAK, J.

DATE : 7th JULY 2025

P.C. :-

1. Heard learned Advocate for the Petitioners-Accused.
2. There is a prosecution pending in the Court of Judicial Magistrate First Class at Girgaon. It is for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881 (“**NI Act**”). The copy of the Complaint is on Page No.16. There are 3 Accused persons. All are the Petitioners herein. The amount of cheque is Rs.4,42,145/- (Rupees Four Lakh Forty Two Thousand One Hundred Forty Five). It seems that the Court has recorded the evidence. The copy of Affidavit of examination-in-chief of the Complainant is also annexed on Page

No.56. It seems that non-bailable warrant is issued by the learned Magistrate and that is why, the Applicant has applied for its cancellation on 30th April 2025. He has averred the following facts:-

- (a) He has already deposited Rs.1,00,000/- (Rupees One Lakh) in the Complainant's account. (It is for the trial Court to verify).
- (b) He has shown readiness to deposit Rs.2,00,000/- (Rupees Two Lakh).
- (c) The matter is settled. (It can be verified from the Complainant only).
- (d) The case is fixed for 313 statement.

3. The learned Magistrate has rejected the Application as the Accused is not proceeding with the 313 statement. Learned Advocate for the Petitioners submitted that the Petitioner – Boopaty was having some difficulty but now he is ready to appear before the learned Magistrate on 7th August 2025 when the date is fixed. Even he has shown readiness to deposit Rs.2,00,000/- (Rupees Two Lakh) before the trial Magistrate. This condition has to be fulfilled. Under these circumstances, the Petition can be disposed of. Hence, the following order:-

-: **ORDER** :-

- (a) The learned Judge is at liberty to proceed with the matter as per the law.

- (b) Even the Petitioners are at liberty to request the Court for settling the matter and if required, it can be sent to Mediation also.
 - (c) The Petitioner is at liberty to appear before the Girgaon Court on 7th August 2025.
 - (d) The Petitioner is at liberty to apply for cancellation of non-bailable warrant and it be considered if the amount of Rs.2,00,000/- (Rupees Two Lakh) is deposited.
 - (e) The Petitioner is at liberty to deposit Rs.2,00,000/- (Rupees Two Lakh) before the trial Court on that day.
 - (f) Till 7th August 2025, the non-bailable warrant is stayed.
4. With these observations, **the Petition is disposed of.**

[S. M. MODAK, J.]