



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

CRIMINAL WRIT PETITION NO.259 OF 2025

PETITIONER : Umesh @ Umeshkumar Bhaurao Parde,
(Ori. Accused) Aged about 44 years, Occupation : Business, R/o.
Nagar Parishad Weekly Bazar Sankul, Banosa, Tq.
Daryapur, District Amravati.

..VERSUS..

RESPONDENT : Mohan Madanlal Sharma,
(Ori. Complainant) Aged about 44 years, Occupation : Business, R/o.
Jaystambh Chowk, Banosa, Tq. Daryapur, District
Amravati.

Mr P. Sarise, Adv. h/f Mr R. J. Shinde, Advocate for Petitioner.
Mr G. R. Bhake, Advocate for Respondent.

CORAM : M. W. CHANDWANI, J.

DATED : 5th MAY, 2025.

ORAL JUDGMENT

1. Heard.
2. **Rule.** Rule is made returnable forthwith. Heard finally with consent of the learned counsel for the parties.
3. The petition challenges the orders dated 11.03.2025 passed by the learned Judicial Magistrate First Class, Daryapur, District Amravati, whereby the exemption application and the application for cross-examination of the respondent came to be rejected and a Non-Bailable Warrant was issued against the petitioner.

4. It appears that the case pending before the learned JMFC is quite old and on the last date, the petitioner sought adjournment for cross-examination.

5. The petitioner has filed a pursis across the bar alongwith an undertaking stating that he would attend the Trial Court on each and every date without fail, till the conclusion of the trial. The pursis alongwith an undertaking filed across the bar is accepted and according to me, the same serves the purpose of securing presence of the petitioner on each date of the trial.

6. In these circumstances, I am of the opinion that the petitioner should get an opportunity. Hence, I pass the following order :

- i) The writ petition is allowed.
- ii) The order dated 11.03.2025 passed by the learned Judicial Magistrate First Class, Daryapur, District Amravati, is hereby quashed and set aside. Consequently, the order of issuance of Non-Bailable Warrant issued against the petitioner is also quashed and set aside.

7. Rule accordingly.

(M. W. CHANDWANI, J.)