

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.515 OF 2014.

Ashirwad Trade House, thr. its Prop.Chandrakala Mukunddas Bang and anr.

..VS..

Radika Agrotech thr. its Proprietor Gautam Sureshchandra Khandelwal and anr.

CRIMINAL WRIT PETITION NO.516 OF 2014.

Ashirwad Trade House, thr. its Prop.Chandrakala Mukunddas Bang and anr.

..VS..

Radika Agrotech thr. its Proprietor Gautam Sureshchandra Khandelwal and anr.

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

Court's or Judge's orders

Mr.N.A.Gaikwad, Adv. for the petitioners.

CORAM : P. N. DESHMUKH, J.

DATED : JUNE 20, 2014.

Heard learned counsel for the petitioner.

It is stated that the petitioners, who were husband and wife, in fact, were not at all concerned with the transaction with reference to Criminal Complaint No.19866 of 2013 and Criminal Complaint No.20327 of 2013 pending on the file of Judicial Magistrate (F.C.) (Court No.37) at Nagpur under the provisions of Section 138 of the Negotiable Instruments Act as the business transaction of their firm namely Ashirwad Trade House is managed by their son Rajesh Mukunddas Bang who is respondent no.2 in this petition.

It is contended that above stated criminal proceedings

against respondent no.2 Rajesh Bang are stayed by the learned Sessions Judge - I, Nagpur and as such criminal prosecution against petitioners is in progress. It is the case of petitioners that petitioner no.2 has undergone heart surgery and advised rest. It further appears that on this ground learned trial Magistrate had granted exemption to said petitioner for period of one month by its order dated 15/5/2014. It is stated that the case is listed before the Trial Court on 21/6/2014 for recording plea. In view of fact that criminal prosecution against respondent no.2 is stayed, as above, proceedings before the trial Magistrate cannot proceed. However, it is contended that trial Court is insisting for appearance of petitioners.

In the circumstances, issue notice to respondents, returnable on 11th July, 2014.

In the meantime, learned Judicial Magistrate (F.C.) (Court No.37) Nagpur, shall not insist for personal appearance of the petitioners.

Hamdast granted.

JUDGE

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