

Order Below Application [Exhibit No. 35].

[Passed on 29th January, 2019.]

Perused the application and say. Heard learned advocate for the accused and learned advocate for the complainant at length. Gone through the record.

02]. Present application has been moved by learned advocate for the accused for cancellation of non-bailable warrant on the count that on last date, the accused went out of station for his important work and so, he could not remain present in the Court. Further, application for his personal exemption was moved but it was rejected. He is ready to remain present before the Court on every date and to abide the conditions which will be imposed by the Court. On these grounds, it is prayed that the application be allowed. Per contra, learned advocate for the complainant has vehemently resisted the application on the count that the accused always used to appear before the Court only after issuance of non-bailable warrant and the matter lingered a lot for securing his presence. So also, he has not complied the directions given by the Court in order passed below application [exh no. 31] and reason mentioned in the application is same as that which was mentioned in application [exh no. 32]. Thus, he has prayed that considering the conduct of the accused, the application be rejected and he be taken into magisterial custody.

03]. Record is speaking about the conduct of the accused and only after perspiring efforts of the complainant, he used to

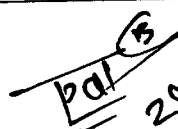
P
29/01/19

appear before the Court. Matter has been lingered a lot due to his abstension. On last date, as non-bailable warrant was ordered to be issued, today the application is moved. The chronology of the matter has been stated by learned advocate for the accused which are sufficient to hold that on one count or another, the accused prolonged the matter. Further, heavy cheque amount is on stake and lingering of the matter is causing hardship to the complainant who is old aged person. As far as reason mentioned in the application is concern then the same reason that he went out of station for his work, was mentioned in the application [exh no. 32]. So, there is consonance for the reasons mentioned in both these applications. No purpose will be served by sending the accused behind bar. So also, one cannot be oblivion of the conduct of the accused and so, considering all circumstances emerging on record, I proceed to pass the following order.

Order

[1].	Non bailable warrant issued against the accused stands cancelled subject to ^{costs} penalty of Rs. 3, 000/- [Three thousand rupees] and call back the warrant by issuing letter to concern police station.
[2].	The accused to remain present before the Court on every date henceforth positively and should not protract the proceeding by absenting to appear before the Court.

Date:- 29/01/2019.
Place:- Jalgaon Jamod.


 [Bhavana S. Pal.]
 Judicial Magistrate First Class,
 Jalgaon Jamod.