

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS
20TH COURT, MAZGAON, MUMBAI

THE ORDER BELOW THE APPLICATION FOR ISSUE OF CONVICTION
WARRANT AGAINST THE ACCUSED DATED 12.11.2025 IN
C.C. NO.1682/MISC/2025 (C.C.NO.108/SC/2023)

The complainant has prayed to issue conviction warrant.

2 It is stated that :- the accused has preferred Criminal Appeal No.507/2024 before the Hon'ble the Sessions Court. He has also filed Miscellaneous Application bearing No.1795/2024 seeking suspension of the sentence and bail application no.2137/2024. The same have been disposed of on 25.11.2024 thereby effect and operation of the judgment delivered on 01.08.2024 stood suspended on a condition that the appellant shall deposit 20% of the total compensation amount within 60 days from 25.11.2024. The accused has failed to comply said order.

3 The Cashier and Judicial Clerk have reported that the accused failed to deposit the amount. It is further reported by the Judicial Clerk that on perusal of the roznama dated 19.09.2025 in connection with the appeal no.507/2024, it is reflected that the respondent has been placed at liberty to approach this court for execution of the order of the conviction due to non compliance. She has further reported that no writ regarding reversal of the judgment has been received from the Hon'ble the Higher Court.

4 The respondent has been summoned to file say as ordered below Exh.1 on 10.12.2025. The roznama dated 21.01.2026 would indicate that learned advocate for the accused appeared in the matter on previous date. At this juncture, learned advocate representing the

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accused Shri Ashwin Rasal has appeared and conceded fairly that as of now there is no stay in connection with present case. Upon query, he has further submitted that 20% of the amount as ordered by the Hon'ble the Sessions Court has not fully paid to the complainant yet. Thus, it is apparent that compliance of the order has not been made so far. So also, as of now, there is no suspension to the sentence passed on 01.08.2024.

5 Nothing has been brought on record either by the complainant or the office indicating modification or reversal or stay to the operation of the Judgment dated 01.08.2024. Hence, following order is passed.

ORDER

1. The complainant to clarify on an affidavit that whether any stay order is/are against the Judgment dated **01.08.2024** is in operation or pending as on date.
2. Issue a warrant for arrest of the accused for the purpose of forwarding him to the jail vide Section 418 (2) of the Code of Criminal Procedure in the light of the judgment dated **01.08.2024**.
3. It should be endorsed on the warrant that it shall not be executed in case of any stay or modification pertaining to the judgment dated **01.08.2024** is shown by the accused.



(V.B. Gulve-Patil)

Judicial Magistrate First Class,
20th Court, Mazgaon, Mumbai.

Date : 05.02.2026