

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2102 OF 2015

IN

CRIMINAL APPEAL NO. 69 OF 2001

[Jalindhar s/o Karbhari Khandijod Vs The State of Maharashtra]

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

Court's or Judge's orders

Shri S.K.Naseer, advocate h/f
Shri Zia Ul Mustafa, advocate for applicant
Smt. S.G.Chincholkar, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 29th April, 2015

PER COURT :-

1] This is an application for recalling of non-bailable warrant issued by this court on 6.4.2015 against the applicant. Applicant is Jalindhar s/o Karbhari Khandijod, who is the appellant in Criminal Appeal No. 69 of 2001. Criminal Appeal No. 69 of 2001 was to be heard along with Criminal Appeal No. 361 of 2000, which is filed by Balu Sakham Bhosale. When these two appeals were taken up for hearing before this court on 6.4.2015, on that day, neither the present applicant nor appellant Balu in Criminal Appeal No. 361 of 2000 were present, nor their counsels were present before the court. Therefore, on the said day, this court has issued non-bailable warrant against these two persons.

2] Today, Shri S.R.Sonawane, Police Inspector of Kopergaon police station is present for and on behalf of the Superintendent of Police, Ahmednagar.

Learned Additional Public Prosecutor Smt. S.G.Chincholkar, after obtaining instructions from him

submitted that till today the non-bailable warrant issued by this court against applicant Jalindar and appellant Balu in Criminal Appeal No. 361 of 2000 are not executed.

3] I have perused Criminal Application No. 2102 of 2015. I have heard Shri S.K.Naseer, advocate holding for Shri Zia Ul Mustafa, learned counsel for the applicant. I have also gone through the order passed by this court on 12.3.2015, wherein it is clearly mentioned that the counsel for the present applicant was present before this court, however, the hearing could not proceed further in view of absence of the learned counsel in Criminal Appeal No. 361 of 2000. The applicant has stated in the present application the reasons as to why he was not present before this court when Criminal Appeal No. 69 of 2001 was called for hearing. It is also mentioned in the application that the learned counsel due to oversight has missed to mark the said case. Since till today the non-bailable warrant against the applicant Jalindar s/o Karbhari Khandizod is not executed and since the court is satisfied about the explanation given by Jalindar for his and his counsel's absence before this court on 6.4.2015, the non-bailable warrant issued by this court on 6.4.2015 against Jalindar s/o Karbhari Khandijod is hereby recalled. The same should not be executed against him.

4] Application is allowed.

5] The learned Additional Public Prosecutor, on instructions from the officer present before the court, submits that efforts will be taken to execute the non-bailable warrant issued against Balu s/o Sakham Bhosale by 5.5.2015.

(V.M.DESHPANDE, J.)