

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.**

CRIMINAL WRIT PETITION NO. 1414 OF 2015

Madhukar Rajaram Tayade,
Age : 58 years, Occupation – Agriculturist,
R/o. Palaskheda Bk., Tal – Jamner,
Dist. Jalgaon.

... Petitioner
Original Accused.

VERSUS

The State of Maharashtra,
Through the Nashik Road Police Station,
Nashik – Pune Rd, Bytco Point, Nashik,
Maharashtra – 422 214.

... Respondent

.....
Mr Bipinchandra K. Patil, Advocate for petitioner
Mr U. S. Mote, APP for respondent-State.
.....

CORAM : **INDIRA K. JAIN, J.**
DATE : **26TH NOVEMBER, 2015.**

ORAL JUDGMENT:

. Rule. Rule made returnable forthwith. With the consent of learned Counsel for parties, this petition is taken up for final hearing.

2. By the present petition order of rejection of cancellation of Non-bailable warrant passed by the learned Additional Sessions Judge 2, Jalgaon below Exh. 6 in Special Case (Electricity) No. 41/2013 is challenged by the original accused.

3. It appears from Roznama that special case was fixed for charge. On 30.10.2014 accused remained absent and order of issuance of non-bailable warrant was passed.

4. On 28.09.2015 accused moved an application for cancellation of non-bailable warrant. The said application was rejected by the impugned order dt. 29.09.2015.

5. The learned counsel for petitioner submits that applicant met with an accident and he was behind bars in another case and so he could not remain present on relevant date.

6. The learned counsel submitted that petitioner is ready to produce all the relevant documents to show his *bona fide* and matter be remitted back to the trial Court for proper consideration of his application for cancellation of Non-bailable warrant.

7. Considering the reasons assigned in the application for cancellation of Non-bailable warrant and the order passed thereon

it would be in the interest of justice to quash and set aside the impugned order. Hence the following order.

ORDER

- (i) Criminal Writ Petition No. 1414 of 2015 is disposed of.
- (ii) The order dt. 29.09.2015 passed below Exh. 6 by the learned Additional Sessions Judge 2, Jalgaon in Special Case No. 41 of 2013 is set aside with liberty to petitioner to produce the documents in support of application Exh. 6.
- (iii) On production of documents trial Court to decide application Exh. 6 afresh.
- (iv) Rule is made absolute in above terms.

[INDIRA K. JAIN, J.]

sgp