

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 563 OF 2015

Mohammad Faizan Shamim Khan .. Petitioner

Versus

State of Maharashtra .. Respondent

Mr. R. R. Tripathi, Advocate for the petitioner
Mr. V.B. Konde-Deshmukh, APP for the respondent

CORAM:-M.L. TAHALIYANI, J.
DATED : -20/02/2015

P.C.

Admitted. Learned APP for the Respondent-State waives service. By consent of the parties, taken up for final hearing forthwith.

2 Heard the learned counsel for the petitioner and learned APP for the respondent-State.

3 The petitioner is aggrieved by the order of rejection of application for cancellation of non-bailable warrant presented by his lawyer before the learned Spl. Judge, Thane. It appears from the order that the learned Spl. Judge was of the view that the petitioner

was within the premises of the Court and was avoiding to appear before the Court.

4 No doubt, the learned Spl. Judge was under obligation to entertain the application though the petitioner was not present before the Court. However, the learned Spl. Judge was at liberty to decide the same on merits and conduct of the petitioner.

5 In the circumstances, it is directed that the petitioner shall appear before the trial Court on the date of hearing of his application for cancellation of non-bailable warrant.

6 The petition stands disposed of.

(JUDGE)

md.saleem