

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1441 OF 2015
IN
CRIMINAL APPEAL NO. 985 OF 2014

Badshah Buran Inamdar	...	Applicant/Orig. accused
vs.		
The State of Maharashtra	...	Respondent

Mr. Ajit J. Kenjale, Advocate for the applicant.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 27th November, 2015.

P.C.

Not on board. On production, taken on board.

2. Heard. The applicant in Criminal Application No.1441 of 2015 is the respondent in Criminal Appeal No.985 of 2014.

3. The applicant herein was acquitted of the offence punishable under Section 326 of the Indian Penal Code by the 2nd Addl. Sessions Judge, Satara and has been convicted under Section 324 read with Section 34 of IPC and has been released on probation of good conduct for a period of two years by executing P.R. Bond of Rs.15,000/- with solvent surety of the like amount by a judgment and order dated 29.5.2014.

4. The State of Maharashtra, being aggrieved by the said Judgment has filed an application seeking leave to appeal. The application

seeking leave to appeal was heard on 5.12.2014. The application was allowed, the appeal was admitted. Action under Section 390 of Cr.P.C. was directed and non-bailable warrant was issued against the applicant.

5. The applicant herein has today filed an application seeking relief of recalling the order of issuance of non-bailable warrant. The applicant is present before the Court.

6. The learned counsel for the applicant submits that the applicant had received the notice of the application seeking leave to appeal and has then learnt that the acquittal recorded in his favour has been challenged before this Court.

7. Section 390 of Cr.P.C. reads as under :-

“390. Arrest of accused in appeal from acquittal -

When an appeal is presented under section 378, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal or admit him to bail.”

Section 390 of Cr.P.C. contemplates that the Court before which he is brought may commit him to prison pending the disposal of the appeal or admit him to bail. In fact, in the present case, the applicant had no

opportunity to even contest the application seeking leave to appeal. Today, he is before the Court. he shall appear before the Court of Sessions. The learned Sessions Court shall release him on bail on furnishing P.R. Bond of Rs.15,000/- with one or two sureties in the like amount.

8. The learned counsel for the applicant submits that the applicant would appear before the Sessions Court on 1.12.2015. The application is allowed in terms of prayer clause (b). Application stands disposed of.

9. Parties to act on an authenticated copy of this order.

(SMT.SADHANA S.JADHAV, J.)