

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 2102 OF 2016
(Devram Baban Lohate Vs. The State of Maharashtra)

Mr. S.T. Shelke, Advocate for the applicant
Mr. M.B. Bharaswadkar, A.P.P. for the respondent-State

CORAM : M.T. JOSHI, J.
DATE : 13/04/2016

ORAL ORDER :

1. Issue notice to the respondent/State. Learned A.P.P. waives service of notice for the respondent/State.

2. Heard both sides.

3. Due to the absence of the present applicant and rest of the other accused, the case could not proceed. In the circumstances, the case was kept on dormant file by the concerned Judicial Magistrate First Class. Ultimately, in standing warrant, the present applicant was arrested and brought before the Court on 21st March, 2016. For the above reasons, the application filed by the present applicant was dismissed by the learned Judicial Magistrate First Class, Akole. Hence, the

present application.

4. Mr. S.T. Shelke, learned counsel for the applicant, submitted that in fact, as the applicant was bedridden, he could not attend the court.

5. Learned A.P.P. opposed the application. He submitted that due to the continuous absence of the applicant and other accused, ultimately, the case was kept on dormant file and in the circumstances, the standing warrant was issued against the applicant.

6. Upon hearing both sides, since the present applicant is now behind the bars since 21st March, 2016, no further purpose would be achieved by keeping him behind the bars. However, as he remained continuously absent, certain penalty is required to be imposed on him. Hence, the following order:

7. The application is hereby allowed. The applicant be released in R.T.C. No. 184/2008, pending on the file of learned Judicial Magistrate First Class, Akole, on his executing P.R. bond in the sum of Rs. 30,000/- (rupees thirty thousand) and also upon

furnishing two sureties in the sum of Rs. 15,000/- (rupees fifteen thousand) each and upon his depositing an amount of Rs. 2000/- (rupees two thousand) towards penalty in the trial court, to be forfeited to the Government.

8. The present application is accordingly allowed and disposed of.

9. Hamdast is granted at the request of learned counsel for the applicant.

[M.T. JOSHI]
JUDGE

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