

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

CRIMINAL APPLICATION NO.2535 OF 2016 IN
CRIMINAL APPEAL NO.523 OF 2003

Raju s/o Uttam Wanwe ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Shri M.S. Karad, Advocate holding for
Shri S.S. Thombre, Advocate for applicant
Shri P.N. Kutti, A.P.P. for respondent/ State
.....

CORAM: A.I.S. CHEEMA, J.

DATED: 5th May, 2016.

ORAL ORDER :

1. Heard counsel for the applicant - original accused and A.P.P. for the State. Criminal Appeal No.523/2003 is one of the oldest matter. It was taken up on 4.4.2016. Counsel for the appellant - accused sought time. On the adjourned date of 12.4.2016, the Advocate did not attend and the appellant - accused was also not present. Consequently, this Court was required to issue bailable warrant. The bailable warrant was served and matter came up on 28.4.2016. On that day, twice the matter was called out. Once it was kept back as appellant and the Advocate were not present. Second time again when it

was called out, as the Advocate as well as appellant were not present, this Court was required to issue non-bailable warrant.

2. It is stated by the counsel that, after this Court had risen, the appellant had reached the Court and has filed this application for recalling of the order. The counsel states that, the appellant came from interior parts of Beed and thus, took time to reach.

3. There is no reason why if the appellant was taking time to reach the counsel for appellant should not have attended the matter. This matter was required to be continuously adjourned as appellant had not duly instructed his counsel to attend and counsel was not attending. It is only now when the non-bailable warrant has been issued the appellant is present with the counsel. In view of this, subject to payment of costs of Rs.5000/- (Rupees five thousand), the non-bailable warrant shall be withdrawn. If the costs are paid, registry to hand over Hamdast to the appellant recalling the non-bailable warrant if not still executed. List the matter for hearing finally on 20th June 2016. No adjournment would be granted on that date.

(A.I.S. CHEEMA, J.)