

1. Not on Board. Taken on Board. Heard learned counsel for applicant and learned A.P.P. for the State.
2. It is stated that, the applicant - accused is a senior citizen, who has retired from the office of Assistant Charity Commissioner, Ahmednagar. It is stated that, the bailable warrant was served at his office and the applicant - appellant (original accused) did not know about the matter and was informed by his office subsequently and later on came to know

that, non-bailable warrant is issued and so, he has come to the Court today. The submissions made by the learned counsel are not correct. The record of the Court shows that the bailable warrant was served on this applicant personally on 12.6.2016. Still, when the matter came up, he did not attend, nor cause representation through counsel on his behalf. This Court was forced to issue non-bailable warrant and then suddenly the applicant - accused becomes available and comes to the Court. It shows that, the approach of the applicant is not fair. In fact, there is no reason to cancel the non-bailable warrant issued. However, looking to the age of the applicant, and reasons stated regarding the ailment of his wife, lenient view is being taken. However, the applicant - accused shall furnish fresh surety in the trial Court as it appears that he has shifted residence. He shall also be bound to pay costs. As such, I pass the following order :

3. Subject to payment of costs of Rs.2500/- (Rupees two thousand five hundred), the non-bailable warrant shall stand recalled. On payment of costs, the applicant - accused be given Hamdast, addressed to the Court/ Police Station concerned regarding recall of the warrant. The applicant - accused, a convicted accused, shall appear before the trial Court on 9th August 2016 and furnish fresh P.R.B. and S.B. in the sum of

Rs.15,000/-. The applicant shall also furnish his complete postal address of present residence to the trial Court as well as file copy of the same in this appeal. At the time of releasing the applicant - accused on bail, the trial Court shall add condition of - accused marking presence in the trial Court every six months, till disposal of the Criminal Appeal. Trial Court shall yearly send report in January of marking presence by accused in this regard to this Court till disposal of appeal.

4. Learned counsel for the appellant undertakes, on behalf of the appellant, to argue the appeal on the date as may be fixed by this Court. List the appeal for hearing finally on 6th September 2016.

5. Authenticated copy permitted.

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