

CRIMINAL APPLICATION NO. 5542 OF 2016

Shri S.S.Kulkarni, advocate for applicant
Shri N.T.Bhagat, A.P.P. for respondent

CORAM : N.W.SAMBRE, J.

DATED : 13th October, 2016

PER COURT :-

In Sessions Case No. 19 of 2015, pending on the file of learned Additional Sessions Judge, Vaijapur, for offences punishable under Sections 395, 452, 323, 504, 506, 201 of the Indian Penal Code and Section 304 of the Dowry Prohibition Act, the learned Sessions Judge has issued non-bailable warrant, as in the trial having reached the stage of recording statement of the accused under

Section 313 of the Code of Criminal Procedure, the applicant/accused was remaining absent.

2. An application for cancellation of non-bailable warrant (Exh.75) came to be rejected by the impugned order on 30.8.2016.

3. The learned Additional Sessions Judge, in my opinion, was right in rejecting the application, as the applicant/accused remained absent for last ten months in the trial.

4. Be that as it may, Shri Kulkarni, learned counsel for the applicant assures this Court that the applicant shall not skip the trial and shall attend the proceedings in the said Sessions trial on each and every date and shall also pay costs of Rs.2,000/-, so as to show his bona fides.

5. The present application, though opposed by Shri Bhagat, learned A.P.P., is allowed by way of last chance and in the interest of justice.

The order dated 30.8.2016, along with the order of issuance of non-bailable warrant against the applicant, are set aside.

The applicant to deposit cost amount of Rs.2,000/- within a period of two weeks before the learned Additional Sessions Judge.

The learned Additional Sessions Judge will be at liberty to pass appropriate orders qua the cost amount.

If the applicant fails to attend any of the dates in the trial, the learned Additional Sessions Judge will be at liberty to take the accused into custody.

With the above observations, the Application stands disposed of.

(N.W.SAMBRE, J.)

dbm/crap5542.16