

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.153 OF 2016

Paromita Bijon Chakraborty

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. A.H.H. Ponda i/b. Mr. Shailesh Kharat for the Applicant.

Mr. Y.M. Nakhawa, APP for the Respondent -State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATE : 17th FEBRUARY, 2016.

P. C. :

This is an application filed under section 482 of the Criminal Procedure Code, whereby the Applicant herein has sought to challenge the order dated 2.11.2015 passed by the learned Metropolitan Magistrate, 22nd Court, Andheri, Mumbai in Case No.1110/PW/2011.

2. The Applicant is an accused No.1 in the said criminal case. The records reveal that the Applicant was represented by a lawyer and was exempted from time to time. The said criminal case was fixed for trial on 2.11.2015, on which date neither the Applicant nor her counsel were present. Hence, the learned Metropolitan Magistrate issued non

bailable warrant against the Applicant. Aggrieved by the said order the Applicant has filed this application for cancellation of non bailable warrant.

3. Mr. Ponda, the learned counsel for the Applicant submits that the Applicant was represented by her lawyer and she was being exempted from time to time. He further submits that the Applicant was not aware that her lawyer had failed to remain present before the Court and that warrant was issued against her.

4. It is seen that the Applicant has not filed any application for cancellation of warrant before the learned Metropolitan Magistrate. The grounds raised in this application can very well be raised before the learned Metropolitan Magistrate. Hence, the application is dismissed with liberty to file appropriate application before the learned Metropolitan Magistrate.

5. The execution of warrant is stayed for a period of seven days to enable the Applicant to approach the trial court for cancellation of warrant.

6. Needless to state that this Court has not expressed any view on merits of the matter and the learned Metropolitan Magistrate shall dispose of the application on its own merit.

(ANUJA PRABHUDESSAI, J.)