

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 577 OF 2016.
WITH
CRIMINAL APPLICATION NO. 578 OF 2016.
WITH
CRIMINAL APPLICATION NO. 573 OF 2016.

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Harshad Ponda i/b. Mr.M.B.Gawade for the Applicant in APL No.577 of 2016.

Mr.Amit Desai i/b. Mr.P.G.Chavan for the Applicant in APL No.578 of 2016.

Ms.Rujuta Patil i/b. Negandhi, Shah and Himayatullah for the Applicant in APL No.573 of 2016.

Mrs P.H. Kantharia, Spl.P.P. for the State in all matters.

CORAM : A.S.GADKARI, J.
DATE : 20th May, 2016
(VACATION COURT)

P.C.

1] Criminal Application No.573 of 2016 is not on board. Taken on board.

2] The present applications under Section 482 of CrPC have

been filed by the applicants, who are accused nos.38 (Vinodkumar Krishnamurari Goenka), 39 (Asif Balwa) and 40 (Sanjay Dattatrey Kakade), have questioned the correctness of the impugned order dated 12/5/2016, inter alia rejecting the application for grant of stay to the execution of the non bailable warrant issued by the Special Court by its order dated 27/4/2016. While rejecting the applications preferred by the Applicants for grant of stay to the execution of the non bailable warrant, the trial Court has not yet decided the main applications and the same are pending on the file of the learned Special Judge. The propriety demands that unless and until the main application is decided by the learned Special Judge, this Court may not express any opinion about the merits of the matter which are involved in the main application.

3] The learned counsel appearing for the Applicants submitted that the trial Court i.e. the learned Special Judge has now adjourned the main application to 13th June, 2016. As the main applications preferred by the Applicants for cancellation of non bailable warrant as contemplated under Section 70 (2) of the CrPC are still pending for final adjudication before the learned Special Court, it is necessary to direct the Special Court to decide the said Applications on their own merits as expeditiously as possible. The learned counsel appearing for the Applicants submitted that the concerned Special Judge is not available due to vacation and therefore the applications are adjourned to 13th June,

2016.

4] The learned Special Public Prosecutor, on instructions from the Investigating Agency submitted that that the charge of the learned Special Judge is handed over to another learned Special Judge, who is available for adjudicating the main applications on 23/5/2016.

5] In view of the above, the learned Special Judge, presently in-charge of P.M.L.A. Special Case No.2 of 2016 is hereby directed to hear the main applications of the Applicants on 23/5/2016 without granting any adjournment to either parties on day to day basis, till the applications are finally decided.

6] Till the main applications filed by the Applicants for cancellation of non bailable warrants are decided by the Special Court, the non bailable warrant issued against the applicants by an order dated 27/4/2016 are stayed.

7] The Criminal Application's are disposed of in the aforesaid terms.

(A.S. GADKARI, J.)