

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2160 OF 2016

Mr. Ashish Vimal Zunzunwala	...	Petitioner
vs.		(Orig. Accused No.1)
The State of Maharashtra	...	Respondent

Ms. Tahera A.R. Qurdshi, Advocate for the petitioner.
Ms. A.A.Mane, APP, for the State.

CORAM: SMT. SADHANA S.JADHAV, J.
DATE : 24th June, 2016.

P.C.

Heard. Rule. Rule made returnable forthwith with the consent of th parties.

2. The present petitioner happens to be accused No.1 in Sessions Case No.149 of 2004. The learned counsel for the petitioner submits that the petitioner desires that the matter should proceed. On 20.3.2006, he was absent. The Court had issued non-bailable warrant against the petitioner and also notice to the surety. The Roznama shows that the petitioner has appeared before the Court on most of the occasions.

3. On 13.6.2016, the petitioner had filed an application seeking exemption from appearance due to unavoidable circumstances. The learned Sessions Court has observed that on the earlier date also the petitioner had come to the Court late and he was given a warning. On 13.6.2016 also the exemption was being sought without there being a reasonable or sufficient

ground. Hence, the Court had rightly rejected the application seeking exemption and had issued non-bailable warrant against the petitioner.

4. The learned counsel for the petitioner, upon instructions, submits that till today, two witnesses have been examined. The petitioner desires that the trial should proceed. He had no intention of protracting the trial. However, due to personal difficulties, he could not remain present at the given time before the Court. In fact, no fault can be found with the order passed by the learned Sessions Judge. However, the learned counsel for the petitioner, upon instructions, submits that the petitioner would remain present before the Sessions Court, Thane, today i.e. 24.6.2016 before 5 p.m. and file an application seeking recall of the non-bailable warrant. The petitioner undertakes to remain present with sureties. The learned Sessions Judge shall consider the application seeking recall of the non-bailable warrant on its own merits. However, the non-bailable warrant order issued vide order dated 13.6.2016 is stayed till 5 p.m. today i.e. 24.6.2016.

Rule is made absolute in the above. Petition stands disposed of.

(SMT.SADHANA S.JADHAV, J.)