

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2472 OF 2016

Abdul Alim Khan. ... Petitioner.

Versus

The State of Maharashtra. ... Respondent.

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Ms. Anjali Patil, advocate for petitioner.

Mr. A.R. Patil, APP for State.

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**CORAM : SMT. SADHANA S. JADHAV,J**  
**DATE : AUGUST 2, 2016**

**P.C.:**

1 Heard the learned Counsel for the petitioner and the learned  
APP for State.

2 Rule. Rule made returnable forthwith with the consent of the  
parties.

3 The learned Counsel for the Petitioner fairly submits that as on  
today, the petitioner is not pressing prayer clauses (1), (2) and(4).

That the non-bailable warrant issued by Metropolitan Magistrate's Court on 13/7/2016 cannot be stayed by this Court for reasons that non-bailable warrant is issued for the purpose of securing presence of the accused at the time of trial and to enable the accused to witness the recording of evidence, as it would be relevant factor at the stage of recording statement under section 313 of the Code of Criminal Procedure, 1973. However, it is a matter of record that the crime is registered in the year 2012. The offence alleged against the present petitioner are triable by the Magistrate.

4 It is a matter of record that 10 witnesses are examined by the prosecution. The learned Counsel submits upon instructions that she has reliably learnt that some of the witnesses mentioned in the list of witnesses have left India. The learned trial court shall take appropriate steps. The learned Trial Court is hereby directed to make an endeavour to conclude the recording of evidence and the trial within four months from the date of receipt of this order.

5 With this direction, the Petition stands disposed of. Rule is discharged accordingly.

**(SMT. SADHANA S. JADHAV,J)**