

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

CRIMINAL APPLICATION NO.952 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. Rahul Arote for the Applicant.

Shri. A.S.Patil, APP. for the State.

CORAM : A.S.GADKARI, J.**DATE : 10th August, 2016**

P.C.

1) By the present application under Section-482 of the Cr.P.C. the applicant has questioned the correctness of the order dated 27.6.2016 passed below Exh.27 by the learned Additional Session Judge, Thane in Sessions Case No.458 of 2011 rejecting the application for cancellation of non bailable warrant issued against the applicant.

2) The applicant is accused in Sessions Case No.458/2011 pending on the file of Additional Session Judge, Thane. The record reveals that the applicant was released on bail during the pendency of the trial. As the applicant did not attend the Trial Court on many occasions, the Trial Court was constrained to issue a non bailable warrant against the applicant by its order dated 16.6.2016. The

applicant thereafter preferred an application below Exh.27 for cancellation of the said non bailable warrant. The learned Trial Court by impugned order dated 27.7.2016 has rejected the said application.

3) In the said application below Exh.27 the applicant has taken a plea that his wife is pregnant and due to her medical problems he was required to take her care and therefore, he could not attend the Trial Court on many occasions. The learned Trial Court has rejected the said application below Exh. 27 on the ground that no documentary evidence is produced along with the said application filed below Exh. 27.

The applicant along with the present application has annexed certain documents pertaining to the treatment being given to his wife Mrs. Rashmi Mahesh Patil. It appears that these documents were not produced by the applicant before the Trial Court at the time of filing of the said application below Exh.27.

4) In view of the above, the impugned order dated 27.7.2016 is hereby set aside. The applicant is hereby directed to appear before the Trial Court on 22.8.2016 at 11.00a.m. The applicant shall produce all the documents which are annexed to the

present application before the Trial Court and the Trial Court after taking into consideration the said documents will pass the appropriate orders as per the provisions of law on Exh.27. It is further needless to mention that the Trial Court will grant an opportunity to the applicant of being heard afresh on the said application Exh27. It is needless to mention here that if the applicant remains absent on 22.8.2016 before the Trial Court for any reason whatsoever, the Trial Court may consider for cancellation of the bail granted to the applicant and shall proceed as per the provisions of law.

- 5) The application is allowed in the aforesaid terms.
- 6) Till 22.8.2016, the operation and implementation of the order dated 16.6.2016 passed by the Trial Court is stayed.

(A.S. GADKARI, J.)