

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 989 OF 2016**

Veena Sharma & Ors. ...Applicants
Versus
Central Bureau of Investigation & Anr. ...Respondents

Mr. Mubin Solkar i/b Mr. Amit A. Jambotkar for the Applicants

Ms. Rebecca Gonsalvez for the Respondent No.1-CBI

Ms. P. P. Shinde, A.P.P for the Respondent No.2-State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 30th AUGUST, 2016

P.C. :

1. Heard learned Counsel for the parties.
2. By this application, the applicants seek the following substantive prayer :

“a) That the non bailable warrant issued by the Ld. Addl. Chief Metropolitan Magistrate, 3rd Court at Esplanade vide order dated 28.07.2016 against the applicants by the be recalled/cancelled.”

3. Learned Counsel for the applicants states that the non-bailable warrant issued by the trial Court against the applicants be cancelled. He submits that the applicants are ready to give an undertaking even in the trial Court stating therein, that they or their Advocate will attend the court

proceedings on every date and that their Advocate will not seek any adjournment on the ground that they have no instructions from the applicants. Learned counsel for the applicants have also tendered an affidavit of undertaking in this Court stating therein, that they undertake to appear before the trial Court on 1st September, 2016 and further undertake to attend on each and every date of hearing before the trial Court personally or through their Advocate.

4. Learned Counsel for the CBI states that the applicants ought to file an appropriate application before the trial Court seeking cancellation of the non-bailable warrants issued by the trial Court against them. She submits that the applicants can be protected till 1st September, 2016.

5. Perused the papers as well as the undertakings furnished by each of the applicant in the aforesaid application. Considering the fact, that the applicants have filed an undertaking in this Court and are ready to file an undertaking in the trial Court stating therein, that they will attend on every date of hearing personally or through their Advocate and that their advocate will not seek any adjournment on the ground that they have no instructions from the applicants, the application deserves to be allowed.

6. Accordingly, the applicants are protected till 8th September, 2016, inasmuch as, the non-bailable warrants issued by the trial Court dated 28th July, 2016 are stayed till 8th September, 2016. The applicants to file an application seeking cancellation of their non-bailable warrant on 1st September, 2016 and the trial Court shall decide the said applications, if filed, on the very same day as far as possible. The applicants shall also file an undertaking in the trial Court, stating therein, that they will remain present either personally and/or through their Advocates on every date of hearing in the trial Court. The undertaking to also state that their Advocates shall not seek adjournment on the ground that they have no instructions from the applicants and that they will appear before the trial Court, as and when so directed by the trial Court.

7. The application is disposed of on the aforesaid terms.

8. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.