

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 49 OF 2017
IN
CRIMINAL APPEAL NO. 641 OF 2014

Mr. Tejas Jayesh Makwana

..Applicant/
Original Respondent

Versus

The State of Maharashtra

..Respondent/
Original Appellant

Mr. Bharat Manghani, advocate for the applicant.

Mrs. Geeta P. Mulekar, APP for the State.

CORAM : RANJIT MORE,
DR. SHALINI PHANSALKAR-
JOSHI, J J.

DATE : 10th JANUARY, 2017.

P. C. :

Mentioned for production. Taken up on production board
in view of urgency.

2. The above appeal arises out of an order of acquittal. By an order dated 4th August, 2014, the said appeal was admitted and an action was directed to be initiated against the applicant under Section 390 of the Code of Criminal Procedure, 1973. The Senior Police Inspector, Kasar Vadavali Police Station reported that the applicant refused to accept the notice and, therefore, this Court was constrained to issue non-bailable warrant against the applicant by its order dated 28th November, 2016.

3. Apprehending arrest, the applicant has filed the present application for cancellation of non-bailable warrant. Learned counsel for the applicant, having taken instructions from the applicant who is present before the Court, makes a statement that he will file vakalatnama on behalf of the applicant in the above criminal appeal. He also states that the applicant will surrender before the trial Court and apply for bail. The statements are accepted.

4. Since the applicant is ready to appear before the trial Court and comply with the provisions of Section 390 of the Code of Criminal Procedure, 1973, we recall the order dated 28th November, 2016 and cancel the non-bailable warrant issued against the applicant. The criminal application is, accordingly, disposed of.

(DR. SHALINI PHANSALKAR-JOSHI)

[RANJIT MORE, J.]