

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.498 OF 2016
IN
CRIMINAL APPEAL NO.555 OF 1996
WITH
CRIMINAL APPLICATION NO.230 OF 2016

Kashibai @ Savitri Satyawar Darade & another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.H.Salgaonkar with Saurabh Butala for Applicants.
Ms.M.R.Tidke, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th February 2017

PC :

1. Heard. The Applicants have preferred Criminal Appeal No.555 of 1996 against conviction, which is pending for final hearing in this Court. On 16th July 2015, neither the advocate for Applicants nor the Applicants were present in the Court when the appeal was called out for hearing. This Court, therefore, issued non-bailable warrant against the Applicants/Appellants. Present application was preferred for recalling the order dated 16th July 2015 and seeking cancellation of non-bailable warrant issued against the Applicants.

2. By order dated 12th April 2016, this Court had directed the advocate for Applicants/Appellants to furnish addresses of the Applicants to learned APP for execution of non-bailable warrant

within two weeks. Learned advocate for Applicants submits that said direction was complied with. It is submitted that warrant has not been executed upon the Applicants. By order dated 12th April 2016, the Court had expressed displeasure and had refused to recall the order; however, the application was adjourned.

3. The Applicants are present in Court today. It is submitted that there was communication gap with the advocate and, therefore, the Applicants could not follow up the proceedings at the earlier point of time. The Applicants are women aged about 66 and 68 years respectively. Considering the fact that Applicants are women and present in the Court today, I am inclined to grant relief as prayed for in this application. Learned counsel for Applicants submits that whenever required, the Applicants shall remain present before this Court at the time of hearing of the appeal. The statement is accepted.

4. In view of aforesaid circumstances, Criminal Application No.498 of 2016 is allowed in terms of prayer clause (b). No order as to costs.

(PRAKASH D. NAIK, J.)

MST