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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 410 OF 2017**

Hanumant Walunj	...	Applicant
vs.		
The State of Maharashtra & Anr.	...	Respondents

Mr. Amit Munde for the Applicant.
Mr. H. S. Vengavkar for CBI.
Mr. S. V. Gavand, APP for the State.

**CORAM : A. K. MENON, J.
DATE : 1st AUGUST, 2017**

P.C.:

1. By this revision application the applicant who is an employee of Tata Memorial Hospital has been accused of offences punishable under sections 120-B of IPC read with Section 420, 467, 468, 471 of IPC and Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act. He impugns an order dated 12th July, 2017 whereby the bail bond of the applicant accused was forfeited and an NBW was directed to be issued against him.

2. He also assails an order dated 28th June, 2017 whereby the application made by him to record a question in relation to document which was exhibited as Exhibit-17 was not entertained. The impugned order dated 28th June, 2017 states that the application itself mentions that document does not bear the stamp

or seal of the hospital and as such there was no occasion to record a question pertaining to that obvious fact. The application was therefore rejected. The applicant is aggrieved by the said rejection.

3. Learned Counsel for the applicant states on instructions that he is not pressing the challenge as against impugned order dated 28th June, 2017. However, he submits that the order dated 12th July, 2017 has occasioned out of miscommunication between the applicant and his Advocate inasmuch the Advocate for the accused was present but had not filed exemption application.

4. The impugned order records that on the same day learned Advocate for the applicant had sought to file the exemption application but the same was rejected since matter was already adjourned to 12th July, 2017. In the facts of the case and interest of justice, I find issuance of NBW at this stage was probably not warranted. In the circumstances, I am inclined to set aside the impugned order dated 12th July, 2017

5. I therefore pass the following order :

(i) The impugned order dated 12th July, 2017 issuing NBW is quashed and set aside.

(ii) As far as order dated 28th June, 2017 is concerned, learned Counsel for the applicant on instructions states that since he does not press that part of the challenge. It will be open for him to make appropriate submissions in regard to Exhibit-17 without being influenced by any observation in this order.

(iii) No order as to costs.

(A. K. MENON, J.)