

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.938 OF 2017

|                                     |            |
|-------------------------------------|------------|
| Manpreetsingh Manmohansingh Vadhera | Applicant  |
| versus                              |            |
| The State of Maharashtra            | Respondent |

Mrs.Ratna R. Jaiswal for applicant.  
Mrs.PP.Shinde, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 1<sup>st</sup> September 2017

PC :

1. The applicant is original accused no.2 in Sessions Case No.609 of 2014. The Trial Court vide order dated 8th August 2017 had issued non-bailable warrant against the applicant. In the said order it has been stated that the applicant was present at 11.00 a.m. before the Trial Court, however, when the matter was called out, the applicant and his advocate were not present. The Trial Court, therefore, issued non-bailable warrant against applicant.

2. Learned advocate for the applicant submitted that the applicant was not feeling well and was required to go for medical check-up and therefore, he left the Court. It is further submitted that on the earlier occasion the applicant had attended the Trial Court proceedings and there were no lapses on his part.

3. Learned APP submitted that the advocate for applicant has not produced any document to substantiate the submission that the applicant was not well.

4. Taking into consideration the fact that applicant was present in the Trial Court in the morning session, the Trial Court ought not to have issued non-bailable warrant. It is pertinent to note that the applicant had made an application for stay of non-bailable warrant on the same day, however, the said application was rejected on the ground that accused is not present and the concerned signatory advocate is not the advocate on record for respondent no.2.

5. Taking into consideration aforesaid circumstances, I pass following order :

(a) Order dated 8th August 2017 passed by Special Judge for CBI cases in Sessions Case No.609 of 2014 issuing non-bailable warrant against applicant, is quashed and set aside;

(b) The applicant is directed to attend the Trial Court proceedings regularly unless exempted by Trial Court;

(c) The application is disposed of.

(PRAKASH D. NAIK, J.)

MST