

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 62 OF 2018**

Lalit Kondiba Bandgar

...Petitioner

Versus

State of Maharashtra

...Respondent

Mr. Mahendra Shingade for the Petitioner

Mr. Vinod Chate, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 15th JANUARY, 2018

P.C. :

- 1 Heard learned counsel for the parties.
- 2 Rule. Learned A.P.P waives notice for the respondent-State.
- 3 Rule is made returnable forthwith, with the consent of the parties.
- 4 By this petition, the petitioner has impugned the order passed by the learned Metropolitan Magistrate, 27th Court, Mulund, Mumbai, in

CC No. 484/PW/2014, dated 14th November, 2017 (by which non-bailable warrant was issued and the bail-bond of the petitioner was forfeited) and the order dated 22nd December, 2017 (by which the petitioner's application for cancellation of non-bailable warrant was rejected).

5 Perused the papers. Admittedly, the petitioner's father had passed away on 6th November, 2017. A copy of the Death Certificate of the petitioner's father is annexed at page 13 of the petition. In view of the death of his father, the petitioner had gone to his native place and as such, could not remain present on 14th November, 2017. The non-appearance of the petitioner before the trial Court was neither deliberate nor intentional.

6 Under these circumstances, the application is allowed and the impugned orders dated 14th November, 2017 and 22nd December, 2017 are quashed and set-aside. The applicant shall cooperate with the conduct of the trial and shall appear either himself or through his counsel on every date before the trial Court.

7 Rule is made absolute on the aforesaid terms.

- 8 Petition is accordingly disposed of.
- 9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.