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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.190 OF 2018
WITH
WRIT PETITION NO.191 OF 2018
WITH
WRIT PETITION NO.192 OF 2018
WITH
WRIT PETITION NO.193 OF 2018**

Manish Kumar Verma	
Managing Director and Authorised Signatory of	
M/s.Manor Pharmachem Pvt. Ltd.	...Petitioner
Versus	
State of Maharashtra and Anr.	...Respondents

Mr.Ravi Dwivedi, for the Petitioner in all the Petitions.

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

CORAM : REVATI MOHITE DERE, J.

DATE : 17th JANUARY, 2018

P.C. :

1. Heard learned counsel for the petitioner.

2. By these petitions, the petitioner has impugned the order dated 23rd November, 2017, by which the learned Metropolitan Magistrate, 70th

Court, Mumbai, was pleased to issue Non Bailable Warrant (NBW) as against the petitioner in each of the cases i.e. Case Nos.Summons Cases SS/5500584/2015; Summons Cases SS/5500585/2015; Summons Cases SS/5500586/2015 and Summons Cases SS/5500587/2015.

3. Learned Counsel for the petitioner submits that the petitioner could not remain present on 23rd November, 2017 as his brother was undergoing cancer treatment at Patna. He submits that the petitioner's absence before the Trial Court was neither intentional nor deliberate. He submits that even the petitioner's advocate was absent as he was under a bonafide belief that the parties had amicably settled their dispute. He submitted that when the petitioner filed an application seeking cancellation of his NBW issued vide order dated 23rd November, 2017, the learned Magistrate insisted on the presence of the petitioner in the Court before cancelling the NBW, without granting any interim protection.

4. Perused the papers. A perusal of the Roznama annexed to the the petition shows that the petitioner was absent only on 23rd November, 2017 and when an application was preferred by the complainant, the

learned Magistrate was pleased to issue NBW as against the petitioner.

5. Learned Counsel for the petitioner submitted that the petitioner be protected for a period of three days to enable him to approach the Trial Court. He states that the petitioner will remain present at the time when the applications for cancellation of NBW are preferred in the Trial Court. Statement accepted.

6. In view of the aforesaid statement made by the learned counsel for the petitioner and in the facts of the case, the NBW issued as against the petitioner vide order dated 23rd November, 2017 shall not be executed for a period of three days from today. The petitioner shall remain present before the Trial Court tomorrow i.e. 18th January, 2018, when the learned Magistrate will hear and decide the said applications seeking cancellation of the NBW.

7. Learned Counsel for the petitioner states that the petitioner and/or his Advocate will remain present in the trial Court, on every date of the hearing.

8. Petitions are accordingly disposed of on aforesaid terms.
9. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.