

Anand

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

CRIMINAL APPLICATION NO. 61 OF 2017

Pretti Shah .Applicant
on behalf of Maniklal Hirachand Shah

Vs.

The State of Maharashtra .Respondent

Ms Shraddha Sawant, Advocate, for the Applicant
Mr. P. D. Gharat, Special Public Prosecutor, for the Respondent - State
Mr. H. J. Dedhia, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.01.2018

P.C.

. Heard learned counsel for the Applicant.

2. At the outset, learned Special Public Prosecutor for the Respondent – State states that the Applicant has directly approached this Court and that the Applicant ought to have filed an Application before the trial Court, for cancellation of the NBW i. e. ACB Special Case No. 18 of 2016. He further submits that the State will not execute the NBW for a period of three weeks from today. He further states that he will not insist on the presence of the accused – Maniklal Shah to be present at the time when the Application for cancellation of the NBW is filed and decided by the trial Court. The learned Special Public Prosecutor shall file a report with regard to the medical condition of Maniklal Shah in

the trial Court.

3. In view of the statement made by the learned Special Public Prosecutor, learned counsel for the Applicant seeks leave to withdraw this Application with liberty to file an appropriate Application seeking cancellation of the NBW before the trial Court. She submits that the Applicant will file an Application seeking cancellation of the NBW through her Advocate within two weeks from today.

4. If such an Application is filed, the learned Judge shall decide the same as expeditiously as possible and shall not insist on the presence of Maniklal Shah, who is reportedly bedridden.

5. As far as prayer clause (b) is concerned, learned counsel for the Applicant is at liberty to file an appropriate Application before the learned Special Judge. If such an Application is filed, the learned Judge shall decide the same on its own merits in accordance with law.

6. Accordingly, the Application is disposed of in the aforesaid terms.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)