

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

CRIMINAL WRIT PETITION NO.718 OF 2018

Yashwant Ramchandra Jadhav & Ors. .. Petitioners

Vs.

The State of Maharashtra .. Respondent

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Mr.Rohan R. Sonawane, Advocate for the Petitioners.
Ms.P.N. Dabholkar, APP for the Respondent – State.

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CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 18, 2018.

P.C. :

The petitioners are original accused nos.6, 7, 8, 9 and 11 in MPID Special Case No.1 of 2017, pending before the Court of special MPID Court at Thane. The offences are registered under Sections 420, 406 and 120(b) of the Indian Penal Code read with Section 3 of the MPID Act.

2 The proceedings were initially pending before the Court of learned J.M.F.C. At Thane vide R.C.C. No.311 of 2007. Charge - sheet was filed before the said Court. The case was thereafter committed to the Special MPID Court on 27th February, 2017.

3 The petitioners contends that the matter was posted before the Special Court for MPID on 24th March, 2017 for the first time after its committal. The petitioners were not aware about the committal of the proceedings. In the said circumstances, the petitioners were absent before the Special Court for MPID on 24th March, 2017. Learned Judge proceeded to issue warrant on 24th March, 2017, on the ground that the accused were absent. In pursuant to that the petitioners preferred an application before the said Court for cancellation of warrants on 6th November, 2017. The said application was rejected by order dated 14th December, 2017. It appears that thereafter warrants were reissued by the Special Court. It is submitted that since the petitioners were not aware about the proceedings being committed to the Special Court, they were not present and on the first date itself Nonailable warrants were issued. Learned counsel further pointed out that the co-accused had preferred petitions seeking similar relief before this Court viz. Criminal Writ Petition Nos.2663 of 2017 and 4638 of 2017, which were allowed vide order dated 24th July, 2017 and 15th January, 2018, respectively.

4 On perusal of the orders passed by this Court referred to hereinabove, it is apparent that this Court has set aside the said orders on the ground that Non Bailable Warrants were issued on the very first date which is not justified.

5 Taking into consideration all the aforesaid aspects, the case for setting aside the order issuing warrants and/or reissuing warrants and order rejecting an application for cancellation of Non Bailable Warrants passed by the Special Court on 14th December, 2017, is set aside. The petitioners are directed to attend the Court regularly unless they are exempted by the Special Court.

6 With the above directions, the Writ Petition stands disposed of.

(PRAKASH D. NAIK, J.)