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

WRIT PETITION NO. 962 OF 2018

Awadh Narayan Pande

.....Petitioner

V/s.

The State of Maharashtra and another

....Respondents

Mr. Ghanshyam Upadhyay i/b Law Juris for the petitioner.

Mr. C. K. Talekar a/w Sunil Chavan for respondent no. 2.

Mr. S. S. Pednekar APP for the State.

CORAM : NITIN W. SAMBRE, J.

DATE : MARCH 13, 2018.

P.C.

Heard Shri. Upadhyay, the learned counsel for the petitioner/accused. Accused is charge-sheeted in Criminal Case no. 120 of 2016.

2 In the said proceedings, he applied for discharge pursuant to the provisions of section 239 of Code of Criminal Procedure, 1973, rejection of which is subject matter of challenge in Criminal Revision Application no. 01 of 2018. In the said revision, request of the

petitioner/accused for staying the trial is rejected by the impugned order dated 12/02/2018 passed by the Additional Sessions Judge which is questioned in the present petition.

3 Another order dated 29/05/2017 passed below exhibit 114 is also questioned in the present writ petition whereby non-bailable warrant is issued against the petitioner/accused.

4 Shri. Upadhyay submits that revision preferred by the petitioner is fixed for final hearing tomorrow. It is informed that, in view of order dated 27/02/2018, he has not filed any revision questioning the order of issuance of non-bailable warrant. According to him, by way of a last chance, two weeks protection be continued as ordered on 27/02/2018 so that he will be in position to argue out his revision finally, and if required, will take appropriate remedy and measures pursuant to the statutory remedy available to him.

5 *Per contra*, the learned counsel for respondent no. 2 seriously objects the submissions and urge that the petitioner's trial is

separated because of his non cooperation in the trial. He submits that time and again his presence is required to be secured by issuing non-bailable warrant.

6 The learned Courts below and this Court has time and again shown indulgence to the applicant by extending him protection from arrest, still the petitioner is not honouring the orders of the Court below, though he is an Advocate by profession. The learned counsel then would urge that this Court should not continue the protection particularly when the petitioner has no respect for Court orders.

7 Considered the submissions. This petition can be conveniently disposed of in view of the fact that, petitioner as stated that his revision will be argued tomorrow. Apart from above, the fact remains that this Court has extended protection to the petitioner on 27/02/2018 from his arrest particularly by ordering that the non-bailable warrant need not given effect. Though the learned counsel for the respondent was right in pointing out that this Court has passed a conditional order on 27/02/2018 continuing the protection

only for a limited period and further observed that the order of protection will automatically cease to operate, however, in view of the aforesaid developments which are brought to the notice of this Court, protection order passed by this Court on 27/02/2018 is continued for a period of 2 weeks from today only on assurance that applicant shall honour the earlier orders of this Court. Said protection shall cease to operate on 28/03/2018. No further extension under whatsoever circumstances will be granted as ordered by this Court on 27/02/2018.

8 With above observations, present writ petition stands disposed of.

[NITIN W. SAMBRE, J.]