

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

WRIT PETITION NO.2225 OF 2018

Manish Kumar Verma

.. Petitioner

Vs.

The State of Maharashtra & Anr..

.. Respondents

.....
Mr.Ravi Dwivedi, Advocate for the Petitioner.

Ms.P.N. Dabholkar, APP for the Respondent No.1 – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATED : JUNE 8, 2018.

P.C. :

The applicant has approached this Court challenging the Non Bailable Warrant issued against him by the trial Court on 24th April, 2018.

2 The applicant is being prosecuted for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. On 24th April, 2018, the applicant and the advocate representing him were not present. However, another advocate preferred an application at the instance of applicant before the trial Court for exemption and adjournment. At the same time, learned advocate for the complainant preferred an application for

issuance of Non Bailable Warrant against the accused. Learned Magistrate allowed the said application. The applicant, thereafter, preferred an application for cancellation of Non Bailable Warrant on 16th May, 2018, before the incharge Court. The said application is pending.

3 Learned advocate for the applicant submits that the advocate representing the applicant was held up in another Court at Dharwad, and, hence, an application was preferred for adjournment and also for exemption of the accused from appearing before the trial Court. It is further submitted that in case the applicant remains present before the Court there is apprehension that he may be taken into custody. Learned Counsel for the applicant pointed out that even on earlier occasion the Non Bailable Warrant was issued against him on 23rd November, 2017. The applicant had approached this Court by preferring Criminal Writ Petition No.190 of 2018 and other connected petitions. This Court had disposed of the said applications by order dated 17th November, 2017, directing that the Non Bailable Warrant issued against the applicant shall not be executed for a period of three days and the applicant was directed to remain present before the trial Court on the next date with the directions

to the said Court to decide the application seeking cancellation of Non Bailable Warrant.

4 On account of the difficulty on 24th April, 2018, the accused could not remain present in the Court and hence an application was preferred for exemption and adjournment. It is also pointed out that the advocate was also in difficulty as he was held up in another Court. This fact is reflected in the application preferred before the trial Court.

5 In the circumstances, similar orders as passed by this Court on 17th January, 2018, can be passed in this application. Learned counsel for the applicant, on instructions, submits that the accused would remain present in the Court on every date of hearing and would not delay the proceedings in any manner. The applicant is cautioned that he should be diligent in attending proceedings before trial Court. While passing order dated 17th January, 2018, it was recorded that the applicant-accused and his advocate would remain present in the trial Court on date of hearing. However, taking into consideration the grounds stated in exemption application, the Non Bailable Warrant issued against the applicant vide order dated 24th April, 2018, shall not be

executed for a period of one week from today. The applicant shall appear before the trial Court along with his advocate on 12th June, 2018. Learned Magistrate shall hear and decide the application for cancellation of Non Bailable Warrant on that date. With the above directions, Writ Petition stands disposed of.

(PRAKASH D. NAIK, J.)