

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

CRIMINAL WRIT PETITION NO.3143 OF 2018

Umesh Gajanan Tapase & Ors.

... Petitioners

Vs.

The State of Maharashtra

... Respondent

Mr.R.R. Paramane for the Petitioner

Mr.Vinod Chate, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: DECEMBER 22, 2018

P.C.:

1. In this Writ Petition, a short issue is involved as the petitioners are praying that the arrest warrant date 16.11.2017, 11.12.2017 is to be quashed and set aside. So also, it is prayed that the order of issuance of proclamation dated 16.1.2018 in relation to C.R. No.I-737/2017 registered with the Satara City Police Station, Satara, issued by the learned Special Judge, MCOC, Pune, is to be quashed and set aside.

2. The petitioners/accused are the wanted accused before the MCOC Court. All the 6 accused are avoiding arrest and so, non-

bailable warrants are issued. I do not find any good ground to quash and set aside the order of issuance of non-bailable warrant. However, the learned Counsel for the petitioners points out that the proclamation is issued by the learned Special Judge, MCOC, Pune on 16.1.2018 directing that they should remain present before the Court on 5.2.2018. It is to be noted that under section 82 of the Criminal Procedure Code, there should be a period of 30 days in issuance of the proclamation and attendance.

3. Hence, this order of proclamation is quashed and set aside for want of proper compliance of section 82 of the Criminal Procedure Code. The learned Special Judge may, if he thinks fit, issue a fresh proclamation with proper compliance of section 82 of the Criminal Procedure Code. The police are required to take proper and efficient steps pursuant to the non-bailable warrant against the accused.

4. The Petition is thus, partly allowed and disposed of accordingly.

(MRIDULA BHATKAR, J.)