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

CRIMINAL APPLICATION NO.1017 OF 2018

Shrikant Shitlaprasad Mishra

..Applicant

Vs

State of Maharashtra & Anr.

..Respondents

Mr. S.K. Mishra i/b M.P. Mishra for applicant.

Mr. A.R. Patil, APP for State.

CORAM : A.S.GADKARI, J.

DATE : 1st October 2018

P.C.:

1] Applicant has impugned Order dated 27th April 2015 passed by the learned Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai, issuing non-bailable warrant against him.

2] Heard the learned counsel for the applicant and the learned APP. Perused the record.

3] The applicant is accused in C.R. No.78 of 2006 registered with Malad Police Station for the offence punishable under sections 465, 466, 457, 448, 454 of the Indian Penal Code and was released on bail by the Trial Court in year 2006. Thereafter, the applicant remained absent before the Trial Court on several occasions due to which, the trial could not proceed and therefore the Trial Court was constrained to issue non-bailable warrant against the applicant by the aforesaid impugned Order.

4] The learned counsel for the applicant submitted that, the applicant

has already undergone four months of imprisonment as an under trial prisoner. That it is only due to inadvertence, he did not remain present before the Trial Court. He submitted that, hereinafter the applicant shall scrupulously attend all dates before the Trial Court without giving any excuse and will cooperate in concluding the trial.

5] The applicant is a practicing Advocate by profession and he cannot raise such a specious plea that, due to inadvertence he could not remain present before the Trial Court.

May that as it may, for the reasons stated in the application and in the interest of justice, I am inclined to allow the application subject to condition that the applicant shall pay cost of Rs.15,000/- to the Maharashtra Police Welfare Fund within a period of two weeks from today. It is made clear that, the payment of cost is condition precedent for cancellation of non-bailable warrant issued against the applicant.

6] Application is allowed in terms of prayer clause (a) subject to the aforesaid condition.

7] Stand over to 17th October 2018. To be placed under the caption “direction/compliance of Order”.

All the concerned to act on an authenticated copy of this Order.

Anil
Chandrakant
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Digitally signed by
Anil Chandrakant
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Date: 2018.10.05
17:28:56 +0530

(A.S.GADKARI, J.)