

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4638 OF 2017**

Chandrabose Ramlal Desai & Anr.	...Petitioners
Versus	
The State of Maharashtra	...Respondent

Mr. Rohan Sonawane for the Petitioners

Mr. H. J. Dedhia, A.P.P for the Respondent-State

CORAM : REVATI MOHITE DERE, J.
MONDAY, 15th JANUARY, 2018

P.C. :

1 At the outset, learned counsel for the petitioners seeks leave to amend. Leave granted. Amendment to be carried out forthwith.

2 By this petition, the petitioners have impugned the orders dated 24th March, 2017 and 26th July, 2017 passed by the learned Additional Special Judge (MPID) Court, Thane, below Exhibit 16.

3 Perused the papers. Admittedly, the case was committed to the Court of the learned Special Judge on 27th February, 2017 and on 24th

March, 2017, the learned Special Judge, Thane, was pleased to issue non-bailable warrant as against the petitioners in MPID Special Case No. 1 of 2017. In view of the order dated 24th March, 2017, the petitioners filed an application seeking cancellation of their warrant on 26th July, 2017, which was rejected by the learned Special Judge on the very same day. Learned Special Judge ought not to have issued non-bailable warrants before issuing bailable warrants, more particularly, when it was the first date on which the matter was committed by the trial Court to the Sessions Court.

4 Learned counsel for the petitioners states that the petitioners are ready to appear before the trial Court as and when directed personally and on every date, through their counsel. Learned counsel also relied on the order dated 24th July, 2017 passed by this Court in Criminal Writ Petition No. 2663 of 2017, by which this Court was pleased to quash and set-aside the non-bailable warrants issued by the trial Court as against those petitioners.

5 Accordingly, the petition is allowed and the impugned order dated 24th March, 2017, issuing non-bailable warrants against the

petitioners (reissued on 7th June, 2017) and order dated 26th July, 2017, rejecting the petitioners' application seeking cancellation of the non-bailable warrant, passed by the learned Special Judge, MPID Court in MPID Special Case No. 1 of 2017 are quashed and set-aside.

6 Petition is disposed of accordingly.

7 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.