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

CRIMINAL APPLICATION NO. 1256 OF 2017

Irfan Chand Shaikh

.....Applicant

V/s.

The State of Maharashtra

.....Respondent

**WITH
CRIMINAL APPLICATION NO. 1257 OF 2017**

Firoz Chand Shaikh

....Applicant

V/s.

The State of Maharashtra

....Respondent

Mr. Vikas Shivarkar for the applicants.

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

CORAM : NITIN W. SAMBRE, J.

DATE : APRIL 12, 2018.

P.C.

Exhibit 75 is application before the Sessions Court in Sessions Case no. 117 of 2007 for cancellation of non-bailable warrant which was rejected by the learned Sessions Judge on 31/10/2017. The learned counsel for both accused-applicants in these two

applications would urge that accused persons, were externed or were in jail and as such, there was no intentional default in attending the trial.

2 He would also press into service other grounds for cancellation of non-bailable warrant.

3 Having perused Exhibit 75, application for cancellation of non-bailable warrant, I hardly notice any such cause or ground raised before the learned Sessions Judge, who had no occasion to deal with the same.

4 That being so, interim order dated 07/12/2017 passed by this Court, staying the execution non-bailable warrant is extended by 6 weeks. Both these applications are disposed of as withdrawn with liberty to the applicants to canvass their grievance afresh by raising such ground including one which are raised in present applications.

[NITIN W. SAMBRE, J.]