

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPLN) NO.99 OF 2018

IN

CRIMINAL APPEAL NO. 274 OF 2004

(KESHAVRAO SEWAKRAM KOSARKAR...VS.. STATE OF MAH. THR. PSO TIRODA, DIST. GONDIA.)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri Y.S.Jambhulkar, Advocate for Appellant.
 Shri T.A.Mirza, A.P.P. for Respondent/State.

CORAM : Z.A.HAQ, J.

DATED : DECEMBER 04, 2018.

By order dated 23rd October 2018 this Court directed issuance of Non-bailable Warrant against the appellant/accused-Keshavrao Sewakram Kosarkar to secure his presence before this Court. This order came to be passed as the record created impression that the accused is avoiding hearing of the appeal which is pending since 2004. The appellant/accused filed Criminal Application (APPA) No. 1096 of 2018 praying that the order passed on 23rd October 2018 be recalled. On this application order was passed on 1st November 2018. This Court directed that the order passed on 23rd October 2018 shall stand recalled provided the appellant/ accused furnishes cash security of Rs.1,00,000/- and one solvent surety of Rs.20,000/- within one week. This Court further directed that if the appellant/ accused fails to furnish cash security or solvent surety till 8th November 2018, the order dated 23rd October 2018 directing issuance of Non-bailable Warrant against the accused shall stand and it should be executed before the next date.

Now, this application is filed praying that the condition of furnishing cash security of Rs.1,00,000/- be

waived. This application is filed on 19th November 2018 i.e. much after 8th November 2018 by which date the accused was required to furnish cash security. Further the learned A.P.P. has pointed out the communication sent by the learned District Judge and Additional Sessions Judge on 12th November 2018 stating that the Police Officer has submitted report dated 31st October 2018 that the Non-bailable Warrant cannot be executed. It is clear that there are no bonafides on the part of the appellant/ accused and this application is filed only with oblique intention of protracting the matter.

The Criminal Application is **dismissed**.

The Police Station Officer, Tiroda, District:Gondia shall ensure that the Non-bailable Warrant is executed and the affidavit of compliance be submitted before this Court within one month.

JUDGE