

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

CRIMINAL APPLICATION NO. 966 OF 2019

Vinod Kantilal Vyas	...Applicant
Versus	
The State of Maharashtra & Anr.	...Respondents

Adv. Ratna R. Jaiswal for applicant.
Adv. Vinod Chate, APP for Respondent/State.

CORAM	:	S. S. SHINDE, J
DATE	:	31st July 2019

P.C.

1. This application takes an exception to the order dated 9th July 2019 passed by the learned Magistrate of M.M. 10th Court, Andhrei in case no. 1457/PW/2018.

2. Learned counsel appearing for the applicant submits that, applicant came to know through internet aboutailable warrant. She submits that, applicant will appear before the said Court and pray for recalling the order of Nonailable Warrant, however, limited protection may be granted to the applicant, so as to enable him to appear before the said Court.

3. Learned APP appearing for the State submits that, by the impugned order the learned Magistrate himself stayed the order for two weeks to enable the applicant to appear before the said Court, however, the applicant

Bhagyawant

did not appear and filed the present application to kill the time.

4. Upon appreciating rival contentions and perusal of the grounds taken in the application and the impugned order, this Court is of the opinion that, the present application deserves no consideration. It appears that, bailable warrant was issued to the applicant and date was fixed before the Court of Magistrate, however, applicant in stead of appearing before the said Court filed the present application for exemption. The learned Magistrate has rightly rejected the said application with the observations that, bailable warrant is pending against the accused and therefore, his prayer for exemption cannot be considered. Therefore, no interference is called for in the impugned order. However, the ends of justice would be met in case two weeks more time is granted in addition to two weeks granted by the said Court from 9th July 2019 for causing the appearance by the applicant before the said Court. Accordingly, time of two weeks granted by the said Court stands extended till 9th August 2019. The applicant shall appear before the concerned Court on 9th August 2019.

5. It is made clear that, it is for the concerned court to deal appropriately with the prayer of the applicant for recalling the order of issuance of Non Bailable Warrant. With the above observations, application stands disposed of.

[S. S. SHINDE , J]

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