

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

CRIMINAL WRIT PETITION NO. 4669 OF 2019

Sayed Mustafa Madaromusa

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Ranjit S. Singh for the Petitioner.

Mrs. Rutuja Ambekar, APP for Respondent – State.

CORAM : S.S. SHINDE, J.

DATE : 24th SEPTEMBER 2019

PER COURT :

1. This petition takes an exception to the order dated 4th September 2019 passed by the Learned Metropolitan Magistrate, 12th Court, At Bandra, Mumbai in C.C. No. 250/P.S./1992 by which the Trial Court rejected the application of the petitioner for recalling the order of non-bailable warrant.

2. Learned counsel appearing for the petitioner invites attention of this Court to the pleadings and grounds taken in the petition and submits that, due to transfer of proceedings from one Court to another, the Petitioner was not aware about such transfer of proceedings and therefore, petitioner could not attend the Court proceedings on the date fixed by the

Trial Court.

3. Learned APP appearing for the Respondent – State vehemently opposed the prayer and submits that, the case is pending from the year 1992 and due to non cooperation of the accused there is no progress in the pending proceedings. Hence, learned APP prays that petition may be rejected.

4. Heard the learned counsel appearing for the Petitioner and learned APP appearing for the Respondent – State. It appears that, the proceedings i.e. CC No. 250/P.S./1992 are pending before the Magistrate's Court since 1992. The learned Magistrate has made observations in the impugned order that, due to absence of accused i.e. Petitioner herein matter is lingering and reasons stated in the application for recalling the order of issuance of non bailable warrant is not sustainable. There is no reason for this Court to cause interference in the impugned order passed by the learned Magistrate. Keeping in view the fact that, the proceedings are pending since 1992 and due to non co-operation of the petitioner there is no progress in the pending proceedings, this Petition deserves no consideration.

5. For the reasons aforesaid, Writ Petition stands rejected.

(S.S. SHINDE, J.)