

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4821 OF 2019

SUKHADEV BHIMASHANKAR BHISE)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Ms.Yogita Kuveskar i/b. Mr.P.G.Sarda, Advocate for the Petitioner.

Mr.A.R.Kapadnis, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 14th OCTOBER 2019

PC. :

1 Heard the learned counsel appearing for the petitioner/accused no.1 as well as the learned APP appearing for the State.

2 The learned counsel for the petitioner/accused no.1 submits that the petitioner/accused no.1 was not absconding and on some dates he had appeared before the Sessions court in the

pending trial and therefore, the order issuing non-bailable warrant against him needs to be quashed and set aside.

3 I have considered the submissions so advanced and perused the impugned order.

4 Along with the co-accused, the petitioner/accused no.1 is facing trial for offences punishable under Sections 395 and 392 read with 34 of the Indian Penal Code vide Sessions Case No.543 of 2014 which is pending before the learned Additional Sessions Judge, Pune. Perusal of the roznama of the said sessions case shows that the petitioner/accused no.1 is conspicuous by his regular absence before the learned trial court. No doubt, on very few occasions he appeared before the court but it is seen that after 8th December 2017, the petitioner/accused no.1 continuously remained absent before the learned trial court. Hence, on 31st July 2019, the learned trial court was pleased to issue non-bailable warrant against him as well as some co-accused who were absent on that day.

5 I see no infirmity in the impugned order dated 31st July 2019 in issuing the non-bailable warrant against the petitioner/accused no.1. Therefore, the order :

ORDER

- i) The petition is dismissed.

- ii) Needless to mention that the petitioner/accused no.1 is free to remain present before the learned trial court by applying for cancellation of the non-bailable warrant issued against him and if such an application is moved, then the learned trial court should decide the same on its own merit.

(A. M. BADAR, J.)