

Anand

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

WRIT PETITION NO. 5970 OF 2019

Basab Biraja Paul .Petitioner

Vs.

The State of Maharashtra .Respondent

Ms Sartaj Shaikh, Advocate, for the Petitioner
Ms Veera Shinde, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 03.12.2019

P. C.

. Heard learned counsel for the parties.

2. By this Petition, the Petitioner has impugned the order dated 05.01.2016 passed by the learned Metropolitan Magistrate, 71st Court, Bandra, Mumbai, by which the learned Magistrate was pleased to pass an order of proclamation in C. C. No. 1274 / PW /2007 (C. R. No. 87 of 2007 of the Santacruz Police Station, Mumbai).

3. Learned counsel for the Petitioner submits that there were four criminal cases registered as against the Petitioner. She submits that as the cases were settled between the parties, the cases were quashed as against the Petitioner. Learned counsel for the Petitioner submits that the Petitioner was under a bonafide belief that all the four cases were quashed as against him, whereas the record shows that only three cases

were quashed as against the Petitioner. She submits that the Petitioner is a resident of Bandra, Mumbai and has been residing at the said place since his childhood. She further submits that at no point of time, the Petitioner was served either by the police or by the Complainant despite the Petitioner staying in the same place for more than 50 years. She submits that the Petitioner is ready to appear before the learned Magistrate and will apply for cancellation of the proclamation and non-bailable warrant. Statement accepted. In view of the same, the impugned order dated 05.01.2016 passed by the learned Metropolitan Magistrate, 71st Court, Bandra, Mumbai in C. C. No. 1274 / PW /2007 is stayed for a period of four weeks from today to enable the Petitioner to appear before the learned Magistrate and apply for cancellation of the proclamation and non-bailable warrant issued by the learned Magistrate on 05.01.2016. If such an Application for cancellation of proclamation and non-bailable warrant issued on 05.01.2016 and 03.10.2018 is filed, the learned Magistrate to decide the same expeditiously.

4. Accordingly, the Petition is disposed of.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)