

Vidya Amin.

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

CRIMINAL APPLICATION NO. 1421 OF 2018

Arvind Mohan Johari ... Applicant

VS.

The State of Maharashtra ... Respondent

Mr. Vijay Hiremath i/b. Jindagi Shah, Advocate for the applicant.

Mr. A.R. Patil, APP for the respondent/State.

Mr. Deepak Kadam, A.P.I., EOW (Banking Unit), Mumbai present.

CORAM: Smt. MRIDULA BHATKAR, J.

DATED: 5th April, 2019

P.C. :

In this Application filed under section 482 of the Cr. P.C., the applicant prays that the order dated 14th July, 2017 rejecting the Application for cancellation of proclamation issued against him and so also recalling the order of proclamation dated 7th September, 2016 passed by the learned Metropolitan Magistrate, 47th Court, Mumbai in C.C. No. 101/PW/2006 is to be set aside.

2. The learned counsel for the applicant/accused is facing two criminal cases under sections 465, 467, 420, 468, 471, 120B of Indian Penal Code. Beside the case in hand, the applicant is accused in Criminal Case No. 276/PW/2010, however, he is

attending the Court dates regularly through his advocate in the said matter. He is appearing in the present case, i.e., C.R. No. 101/PW/2006 and the learned Metropolitan Magistrate has granted bail in the case. However, the said case was pending in Court room No. 49 and is transferred to Court no. 47, therefore, he lost the track. The accused is a permanent resident of Lucknow and stays at Allahabad, therefore, he did not remain present. However, he does not want to avoid trial and he is ready to appear before Metropolitan Magistrate, however, the order of issuance of proclamation be set aside and the rejection of prayer of cancellation is also to be set aside.

3. Learned APP, on instructions from the concerned police officer, submitted that the Application may be allowed with costs.

4. In view of the submissions of both the parties, the following order is passed:

- (i) The impugned order dated 14th July, 2017 is hereby set aside;
- (ii) The order dated 7th September, 2016 of issuance of proclamation is stayed till 22nd April, 2019;

- (iii) The applicant/accused is directed to appear before the learned Metropolitan Magistrate, 47th Court in C.C. No. 101/PW/2016 on or before 22nd April, 2019 and shall present the Application for bail. The learned Metropolitan Magistrate may consider and decide it.
- (iv) The costs of Rs.10,000/- is to be paid by the applicant/accused to the Maharashtra State Legal Services Authority.

5. Criminal Application is disposed of.

(MRIDULA BHATKAR, J.)