

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

CRIMINAL APPLICATION NO. 395 OF 2020

Mohd. Talha Hamid Miyan Ansari. ..Applicant.

v/s.

The State of Maharashtra. ..Respondent.

Mr. Fernandes Jude Sebastian Caitan, advocate for applicant.

Ms. P.P. Shinde, APP for State.

CORAM : SMT. SADHANA S. JADHAV,J.

DATE : MARCH 19, 2020.

P. C. :

1 Heard the learned Counsel for the applicant and the learned APP for state.

2 The applicant is an accused in Criminal Case No. 366/PW/2012, wherein the applicant is being tried for an offence punishable under section 452, 323, 504, 506 r/w section 34 of the Indian Penal Code. The applicant has failed to mark his presence before the Addl. Chief Metropolitan Magistrate, 2nd Court, Mazgaon(Seweree), Mumbai on 13/2/2020. Hence, non bailable warrant has been issued against the present applicant.

3 Learned Counsel for applicant submits that it is true

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that the applicant was not attending the court and was only filing application seeking exemption and finally, the court was constrained to issue non-bail warrant on 13/2/2020. The present applicant is original Accused No. 2. It is reported that the warrant report of accused No. 1 is still pending. However, it would be necessary to ensure presence of the accused/applicant before the court.

4 Learned Counsel for the applicant upon instructions submits that the applicant would remain present before the Additional Chief Metropolitan Magistrate, 2nd Court, Mazgaon(Sewree), Mumbai on 23/3/2020 and pray for cancellation of non-bailable warrant.

5 In view of the above, Learned Magistrate shall consider the same on its own merits and take undertaking from the accused/applicant that he shall mark his presence before the Court on each and every date after 2nd April, 2020. Hence, the Non-bailable warrant issued vide order dated 13/2/2020 is stayed till 5 p.m. of 23rd March, 2020.

6 With these directions, the application is disposed of.

[SMT. SADHANA S. JADHAV, J.]

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