

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1435 OF 2019

CHETAN NARENDRA DHAKAN

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Ms.Khevan Dagli i/b. Mr.Ashok Saraogi, Advocate for the Applicant.

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

CORAM : A. M. BADAR, J.

DATE : 3rd JANUARY 2020

P.C. :

1 Heard the learned counsel appearing for the applicant at sufficient length of time. She drew my attention to paragraphs 8 and 9 of the application and contended that as the applicant was required to attend several police stations for the purpose of investigation, though he has no role in the crimes registered at those police stations, he could not attend the learned trial court which has resulted in issuance of the non-bailable warrant.

2 I have considered the submissions so advanced. Prayer made in the application is to quash and set aside the order dated 21st September 2019 passed by the learned Metropolitan Magistrate directing issuance of non-bailable warrant against the applicant. Undisputedly, criminal case for offences punishable under Sections 406, 420, 120B read with 34 of the Indian Penal Code as well as under Sections 3, 4, 5 and 13 of the Maharashtra Ownership of Flats Act is pending for trial before the learned Metropolitan Magistrate in which the applicant is an accused. In that criminal case, as the applicant had continuously remained absent on two occasions, as stated by the learned counsel for the applicant, the non-bailable warrant came to be issued by the learned trial Magistrate.

3 No scope for interference in the said order in inherent jurisdiction of this court under Section 482 of the Code of Criminal Procedure is seen. However, the applicant is permitted to apply for cancellation of non-bailable warrant issued against

him by moving an appropriate application before the learned trial court and upon making such application, the learned trial court is directed to dispose off the same on its own merit forthwith.

4 With this direction, the application stands disposed off.

5 Parties to act on authenticate copy of this order.

(A. M. BADAR, J.)