

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1599 OF 2019

ROCKY IVAN S. MASCARENHAS)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA AND ANR.)...RESPONDENTS

Mr.Dilip Shukla i/b. Mr.Abhinesh Yadav, Advocate for the Applicant.

Mr.R.M.Pethe, APP for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 11th FEBRUARY 2020

P.C. :

1 Heard.

2 The learned counsel appearing for the applicant submitted that as his counsel assured to take care of the prosecution, he left for Dubai and started working for earning livelihood. Therefore, in submission of the learned counsel for the applicant, the

proclamation issued under Section 82 of the Code of Criminal Procedure needs to be quashed and set aside.

3 The submission so made, in no way shows that the learned trial court erred in issuing proclamation as the applicant, who is an accused facing trial and had failed to appear before the learned trial court. No procedural irregularity in issuing proclamation is shown and as such, no case for interference is made out.

4 The application is rejected.

5 The learned counsel for the applicant submits that his client shall appear before the learned trial court in pursuant to the proclamation issued by the learned trial court. The applicant may take such action as is advised in the matter. The trial court shall not be influenced by observations made in this order.

(A. M. BADAR, J.)

Arti V.
Khatate

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