

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

919 CRIMINAL WRIT PETITION NO.784 OF 2021

ANIL KASHIRAM HANKARE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. A.R. Gaikwad, Advocate for the petitioner.
Smt. R.P. Gaur, A.P.P. for the respondent / State.

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CORAM : **S.P. TAVADE, , J.**

DATE : 11.08.2021.

ORDER :

1. By this petition, the petitioner is challenging the impugned order dated 11th April 2019 passed in Regular Criminal Case No. 27/2005. By the said order, the learned Magistrate has issued proclamation under Section 82 of the Code of Criminal Procedure (for short "Cr.P.C.") against the petitioner.

2. It appears from the record that the petitioner remained absent in the trial Court, hence the trial Court issued non-bailable warrant. It was returned un-executed. Hence, notice was issued to the surety of the petitioner. The surety appeared before the trial Court, but could not produce the petitioner before the trial Court, and subsequently he remained absent. Hence as a stringent action, the trial Court issued proclamation under Section 82 of the Cr.P.C. for securing the presence of the petitioner. The petitioner, instead of appearing before the trial Court, preferred this Writ Petition for setting aside the impugned order dated 11th April 2019.

3. On going through the orders on Exh-1 of R.C.C. No. 27/2005, it appears that first time a warrant of attachment was issued on 19th November 2015 to the surety of the petitioner. Then a non-bailable warrant came to be issued against the petitioner on 4th April 2016 and 11th August 2016. It appears that since long the petitioner remained absent. Hence the trial was held up. Therefore, the learned Magistrate has taken a serious view and issued proclamation against the petitioner.

4. The orders passed by the learned Magistrate are as per the provisions of law. Therefore no irregularity or illegality has been committed by the trial Court. Hence, the petition has no merit.

5. The learned Counsel for the petitioner submits that the trial Court be directed to consider the application of the petitioner for cancellation of warrant and withdrawal of proclamation.

6. As the petitioner intends to appear before the trial Court, the trial Court may consider the prayer of the petitioner sympathetically. With this, I pass the following order.

ORDER

The petition is dismissed.

(S.P. TAVADE, J.)