

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**2 CRIMINAL APPLICATION NO. 2345 OF 2021
IN
CRIMINAL APPEAL NO. 249 OF 2019**

**SARASWATI SUDAM MUNDE
VS
THE STATE OF MAHARASHTRA**

Mr. Satej S. Jadhav, Advocate for the applicant
Mr. S.P. Sonpawale, APP for the respondent/State

CORAM : SURENDRA P. TAVADE, J.

DATE : 04-10-2021

P. C.

. The applicant was convicted by the Additional Sessions Court, Beed in Sessions Case No. 29 of 2016. The said judgment is challenged by the applicant by preferring the appeal bearing No. 249 of 2019.

2. It is contended that the applicant has not committed any breach of order deliberately. It is contended that she has undergone Angioplasty and her heart is very weak. She is suffering from various old age ailments. She could not appear before this court on 30-08-2021. Therefore, non-bailable warrant issued against her. She is aged about 72 years. She was not aware about

the proceeding. Therefore, she could not remain present. It is contended that she will remain present during the hearing of the the appeal without fail. Hence, it is prayed that the order dated 30-08-2021 of issuance of non-bailable warrant be recalled.

3. Heard learned counsel for the applicant and learned APP for the respondent/State.

4. It is contended that husband of applicant is also convicted and he is in jail. Therefore, the applicant could not receive the date of hearing of this appeal. Similarly, she is having ailments and she has undergone the angioplasty recently. Therefore, she could not remain present. It appears that the applicant and her husband were not attending the hearing of the appeal. Therefore, the warrants were issued. Warrant against the husband is already executed. The applicant undertakes to remain present during the hearing of the appeal.

5. In view of the ailments and she has undergone the angioplasty, the order dated 30-08-2021 of issuance of non-bailable warrants is hereby re-called.

6. The applicant is directed to execute the fresh PR bond of Rs. 1,00,000/-.

(3)

criapln2345.21

7. The application is disposed of and list the appeal on 20-10-2021.

[SURENDRA P. TAVADE, J.]

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