

Tandale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.235 OF 2020

Mansi Manoj Shinde

.... Applicant.

Vs.

The State of Maharashtra and Anr.

.... Respondents.

Mr. C. K. Pendse i/b. Siddhi Bhosale for the Applicant.

Smt. Rutuja Ambekar, APP for the Respondent No.1-State.

CORAM : A. S. GADKARI, J.

DATE : 19th MARCH, 2021.

PC:-

1. By an Order dated 21st February 2020, the predecessor-in-title of this Court was pleased to stay the impugned Order dated 14th January 2020 passed below Exh.4 in C.C. No.694/SS/2017, directing issuance of non-bailable warrant against applicant. The record indicates that, immediately on 14th January 2020 itself, the applicant has filed an Application below Exh.6 for cancellation of non-bailable warrant on which, the learned Magistrate has passed following Order :-

“Complainant is not present at the time of moving this application. Warrant came to be issued in morning session when accused was absent. Looking to said peculiar circumstances, the warrant be kept in abeyance till next date.”

2. It is thus apparent that, the Application for cancellation of non-

bailable warrant filed below Exh.6 dated 14th January 2020, is still pending for final adjudication before the learned Magistrate. It would therefore be improper at this stage for this Court to make any comment on it, as propriety demands that, the learned Magistrate, seized of the said Application below Exh.6 to first decide it on its own merits.

3. In view thereof, learned Metropolitan Magistrate, 08th Court, at Esplanade, Mumbai seized of C.C.No.694/SS/2017 is directed to decide the said Application filed below Exh.6 as expeditiously as possible and within a period of three weeks from the date of receipt of present Order.

4. Till the learned Magistrate decides the said Application filed below Exh.6, interim relief granted by Order dated 21st February 2020 granting stay to the non-bailable warrant issued by the Trial Court, shall remain in force.

If, the learned Magistrate decides the Application filed below Exh.6 against the applicant, in that event, the interim relief granted by this Court by its Order dated 21st February 2020 shall remain in force for a further period of two weeks.

5. Application is disposed off in the aforesaid terms.

(A.S. GADKARI, J.)