

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

WRIT PETITION NO.5049 OF 2021

Naaz Chaudhary

...Petitioner

Vs

The State of Maharashtra

... Respondent

...

Mr. Vivek B. Pandey with R. Mangaonkar for the
Petitioner.

Smt. S.V.Sonawane, APP for the Respondent-State.

CORAM : SANDEEP K. SHINDE J.

DATE : DECEMBER 14, 2021.

P.C. :

Heard.

2 The petitioner, who is a Senior Citizen, is facing
the prosecution for having committed an offence under the
Employees Provident Fund and Miscellaneous Provisions
Act, 1925 in Criminal Case No.03 of 2019 pending before
the Judicial Magistrate, First Class at Alibag. Petitioner's

persistent absence led to issuance of NBW. Application was moved below Exhibit 27 seeking cancellation of NBW. The learned Magistrate rejected the application. Thus, this Petition under Article 227 of the Constitution of India.

3 The learned counsel appearing for the petitioner, on instructions, undertakes to file an affidavit before this Court, assuring that the petitioner shall regularly attend the proceedings in Regular Criminal Case No.3 of 2019 unless his presence is exempted.

4 In consideration of the age of the petitioner and that he was suffering from Covid-19 virus, the order dated 18th November, 2021 is recalled and set aside.

5 In the result, NBW issued against the petitioner is quashed and set aside. The petitioner shall file affidavit/ Undertaking before this Court within a week from today.

6 List the Petition to verify the compliance of this order on 21st December, 2021.

7 Petition is disposed of in the aforesaid terms.

(SANDEEP K. SHINDE,J.)