

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO. 15 OF 2020

Arun Abarao Marode
Age about 60 yrs., Occ. Agriculturist,
R/o. Palshi- Zashi, Tq. Sangrampur,
Dist. Buldhana **.... APPELLANT**

// VERSUS //

1) State of Maharashtra,
Through Police Station, Tamgaon,
Dist. Buldhana

2) Sarangdhar Punjaji Turkmane,
Age about 65 yrs, Occ. Agriculturist,
R/o. Venkatesh Nagar, Shegaon,
Tq. Shegaon, Dist. Buldhana **.... RESPONDENTS**

Shri P.S. Patil, Advocate for appellant.
Shri I.J. Damle, A.P.P. for respondents.
Non for respondent No.2 though served

CORAM : **N.B. SURYAWANSHI, J.**
DATE : **22/02/2021.**

ORAL JUDGMENT: [PER: N.B. SURYAWANSHI, J.]

1. Heard Shri. Patil, learned counsel for appellant and Shri Damle, learned A.P.P. for respondent No.1-State. None appears for respondent no.2, though served.

2. **Admit.**

3. Heard Finally with consent of the parties.

4. By this appeal the appellant challenges the order below Exh.105 dated 08.11.2019 passed by the Special Judge and ASJ, Khamgaon in Atrocity Special Case No.9/2012, thereby rejecting the prayer of the appellant for cancellation of nonailable warrant issued against him.

5. Heard the learned Advocate for the appellant. He submitted that it is a fact that the appellant was absent on some of the dates. Taking into consideration his age, the appellant may be granted the relief. He states that the appellant undertakes to attend the Trial Court scrupulously without fail and he shall not remain absent henceforth without a genuine cause and without submitting proper application in that behalf.

6. The learned Additional Public Prosecutor vehemently opposed the appeal stating that record indicates that at many times the appellant has remained absent and therefore the trial was prolonged. He submits that, the appellant has not made out any case for allowing the appeal. He therefore submitted that the appeal filed by the appellant be dismissed.

7. Taking into consideration the fact that the appellant is a senior citizen and he undertakes to attend the Trial regularly, the appeal is allowed.

8. The impugned order passed by the learned Special Judge, Khamgaon below Exh.105 in Atrocity Special Case No.9/2012 is hereby set aside. The non bailable warrant issued against the appellant is hereby cancelled subject to the payment of costs of Rs. 10,000/- to be deposited in the Government Pleaders library at High Court, Nagpur.

9. The trial is expedited. The appellant to attend the Trial Court on 05/03/2021.

JUDGE

J.Pethe..