

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

908 CRIMINAL WRIT PETITION NO.1443 OF 2022

OMPRAKASH @ BACCHU BABURAO KADU
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. Rahul O. Awasarmol, Advocate for Petitioner.

Mr. G. O. Wattamwar, APP for Respondent/State.

...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 13th October, 2022.

Per Court:

. Heard finally with consent of both the sides.

2 The order passed by the learned Additional Sessions Judge, Osmanabad in Sessions Case No.48 of 2020 below Exhibit-56 dated 16th June, 2022, is challenged before this Court by way of present criminal writ petition. The application for cancellation of NBW moved on behalf of the present petitioner came to be rejected.

3 Heard Mr. Awasarmol, learned counsel for the petitioner and Mr. Wattamwar, learned APP for the respondent / State.

4 Perused the impugned order passed by the learned Additional Sessions Judge, Osmanabad in Sessions Case No.48 of

2020 below Exhibit-56 dated 16th June, 2022, copy of *roznama-sheet* and the earlier application for exemption.

5 It is very much clear that the petitioner appeared before the learned Additional Sessions Judge, Osmanabad only on one occasion after committal of the case. He remained absent continuously in the said proceedings and ultimately the learned Additional Sessions Judge constrained to issue non-bailable warrant against the petitioner by the impugned order.

6 Having considered the submissions of both the sides and previous conduct of the present petitioner, one opportunity needs to be given to the petitioner to remain present before the concerned Court punctually and regularly for the said proceedings. If that exercise is made, it may serve the purpose. At the same time, it is necessary to impose penalty on the petitioner while cancelling the warrant.

7 Having regard to the above reasons and discussion, following order is passed:

ORDER

- I. The criminal writ petition stands allowed.
- II. The impugned order passed by the learned Additional Sessions Judge, Osmanabad in Sessions Case

No.48 of 2020 below Exhibit-56 dated 16th June, 2022, is hereby quashed and set aside.

- III. The application vide Exhibit-56 moved on behalf of the petitioner for cancellation of NBW, is hereby allowed subject to payment of penalty of Rs.5,000/- (Rupees Five Thousand only) with the Trial Court.
- IV. The Trial Court may cancel the warrant only after depositing penalty of Rs.5,000/-.
- V. The petition is accordingly disposed of.
- VI. The petitioner shall punctually attend the sessions trial and co-operate to the Trial Court for expeditious disposal of the case in view of old nature of crime of 2015.

[SHRIKANT D. KULKARNI, J.]

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