

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

**INTERIM APPLICATION NO.409 OF 2022
IN
CRIMINAL APPEAL NO.497 OF 1997**

Maruti Sattu Mapare

.. Applicant/ Appellant

Versus

State of Maharashtra

.. Respondent

.....

Mr.Nikhil Pawar, Advocate for the Applicant/Appellant.

Mr.Ajay Patil, APP for the Respondent – State.

Mr.Maruti Sattu Mapare, Appellant, present through V.C.

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CORAM : PRAKASH D. NAIK, J.

DATED : FEBRUARY 4, 2022.

P.C. :

This is an application for recalling the order dated 10th January, 2022, passed by this Court in Criminal Appeal No.497 of 1997. The order indicate that the previous lawyer appearing for the appellant had submitted that he is not in a position to get instructions from the appellant. Earlier bailable warrant was issued against the appellant vide order dated 21st July, 2017, which was not executed. In the circumstances, this Court issued Non Bailable Warrant warrant, returnable on 8th February, 2022.

2 Learned counsel for the applicant/appellant submits that he has instructions to appear for the appellant in the Appeal. Appellant had obtained no objection endorsement from the previous lawyer and the learned advocate for the applicant/appellant has filed his appearance in the Appeal. Whenever the matter is listed for hearing, he would proceed with the matter by representing the applicant/appellant. It is submitted that the applicant/appellant is present through video conferencing. Hence, non-bailable warrant issued against the applicant/appellant, may be recalled.

3 Learned APP submitted that the Appeal is pending since 1997, it may be listed for final hearing.

4 In the circumstances and considering the submissions of the learned counsel for the applicant/appellant, whenever the Appeal is listed for hearing, he will proceed with the matter. The order dated 10th January, 2022, can be recalled.

5 Hence, I pass the following order:

:: ORDER ::

- (i) Interim Application No.409 of 2022, is allowed;

- (ii) The order dated 10th February, 2022, by this Court in Criminal Appeal No.497 of 1997, issuing Non-Bailable Warrant against the applicant/appellant, is recalled;
- (iii) Appeal be listed on weekly final hearing Board on 28th February, 2022;
- (iv) Interim Application No.409 of 2022, stands disposed of accordingly.

(PRAKASH D. NAIK, J.)