

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.136 OF 2022

Mohan Lingappa Poojari

Applicant

versus

The State of Maharashtra

Respondent

Mr.Prashant G. Badole with Mr.Prasad Thonse, Advocates for applicant.

Mr.S.V.Gavand, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 16th February 2022

PC :

1. This is an application seeking cancellation of non bailable warrant issued by the Court of Additional Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai in CC No.144/PW/2005.

2. The applicant is arraigned as accused in the aforesaid case relating to offences under Sections 465, 467, 468, 471, 420, 409 and 120-B of IPC. The proceedings are pending before the Court Court since 2005.

3. Apparently the applicant has been attending the Court on the dates of hearing in the Court. However, on the date of hearing on 4th January 2022, the advocate representing applicant was present in the Court and application seeking exemption was filed. Learned Magistrate, however, rejected said application and issued non bailable warrant against applicant.

4. Learned counsel for applicant submits that on most of the occasions the applicant had attended the proceedings. Since the exemption application itself has been rejected and non bailable warrant has been issued against applicant, even if the applicant appears before the Court and prefers application for cancellation of non bailable warrant, there is apprehension that such application will be rejected and he will be taken in custody.

5. It is pertinent to note that proceedings are pending since 2005. It does not appear that the applicant was continuous defaulter in attending the proceedings. It does appear that applicant was represented by advocate and exemption application was preferred. Therefore, issuance of non-bailable warrant is unwarranted. The order dated 4th January 2022 passed by Additional Chief Metropolitan Magistrate in CC No.144/PW/2005 issuing non-bailable warrant against applicant, is set aside. Criminal Application is disposed of.

(PRAKASH D. NAIK, J.)

MST