

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

**INTERIM APPLICATION NO. 747 OF 2022
IN
CRIMINAL APPEAL NO. 1190 OF 2019**

Suryakant Lakshman Mokul ...Applicant/Appellant
Versus
The State Of Maharashtra And Anr. ...Respondents

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Ms. Kanchan Phatak a/w Mr. Akash Kotecha a/w Mr. Jenish Jain,
Advocate for the Applicant/Appellant

Mr. Arfan Sait, APP for the Respondent – State.

Suryakant Lakshman Mokul, Applicant/Appellant in person, Present.

Mr. Surve (PSI), Chunabhatti Police Station, Present.

CORAM : PRAKASH D. NAIK, J.
DATE : 4th MARCH 2022

PER COURT:

1. This is an application for recalling the order dated 8th February, 2022 passed by this Court issuing bailable warrant against the applicant.

2. The appeal preferred by the appellant/applicant challenging the order of conviction has been admitted by this Court by order dated 5th September, 2019. It was noticed that the Advocate for the appellant had not supplied spare copy in the Registry for issuing notice to Respondent No.2. By order dated

21st January, 2022 this Court had directed the Advocate for the appellant to supply spare copy in the registry within two weeks. None appeared for the appellant on 21st January, 2022. Thereafter, the appeal was listed on board on 8th February, 2022. The directions to supply spare copy were not complied. None appeared for the appellant on that day. Hence, this Court issued bailable warrant against the appellant in the sum of Rs.10,000/-.

3. Learned Advocate for the applicant submitted that the appellant/applicant would undertake that the appeal would be pursued and as and when required he would remain present in this Court.

4. Learned APP submitted that this Court had issued bailable warrant for non compliance of the directions of this Court. It was alleged at the instance of appellant that the son of applicant/appellant was harassed. The said allegations are false. Since the bailable warrant was issued against him, applicant was directed to appear and execute requisite bail bond. The appellant is present in the Court. Advocate for the appellant has undertaken to supply spare copy in the registry.

5. In view of the above, I pass the following order :-

ORDER

- i.** Interim Application No. 747 of 2022 is allowed;
- ii.** Order dated 8th February, 2022 issuingailable warrant against the appellant is recalled and set aside.
- iii.** The Advocate for the applicant/appellant shall supply spare copy in the registry for issuing notice to Respondent No.2 within one week from date of uploading of this order.
- iv.** Notice is made returnable on 21st March, 2022.
- v.** The applicant shall file undertaking in this Court that he would pursue this appeal and as and when directed he will remain present in this Court.
- vi.** The undertaking should be filed within one week from date of uploading of this order.
- vii.** Interim Application is disposed off accordingly.

(PRAKASH D. NAIK, J.)