

CRIMINAL APPLICATION NO. 289 OF 2022

Yashoda Manjunath Gawda

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. V. R. Mishra a/w Mr. Rajaram Kuleriya and Mr. Varad Dubey i/b Law Counsellors for the Applicant

Ms. P. P. Shinde, A.P.P for the Respondents–State

CORAM : REVATI MOHITE DERE, J.
TUESDAY, 29th MARCH 2022

P.C. :

1 Heard learned counsel for the parties.

2 By this application, the applicant has impugned the procedure
adopted by the learned Additional Sessions Judge, Thane, vide order dated
4/3/2021 passed below Exhibit 1 in MPID Special Case No. 200/2022.

3 On 15/3/2022, it was submitted that the applicant was present through her advocate on 4/2/2022, 18/2/2022 and 22/2/2022, however, the charge-sheet was filed by the police in the Registry of the Sessions Court only on 22/2/2022. It was submitted that despite the same, bailable warrant was issued by the learned Special Judge on 4/2/2022 on the first date, when the matter was taken up by the learned Special Judge. It is also submitted that the applicant was always ready to appear before the learned Special Judge on 17/3/2022, however, the learned Special Judge issued bailable warrant on the said date, instead of issuing summons. It was also pointed out that the Registrar had made a report that the applicant had failed to appear before him and hence, it appears bailable warrant was issued.

4 Learned A.P.P fairly states that the Roznama dated 17/3/2022 does show the appearance of the applicant before the learned Special Judge.

5 Before bailable warrant was issued as against the applicant, being the first date, when the charge-sheet was presented before the learned Special Judge, the learned Special Judge ought to have issued summons instead of bailable warrant.

6 Considering the aforesaid, the impugned order dated 17/3/2022, issuing bailable warrant as against the applicant, is quashed and set-aside.

7 Needless to state that the applicant to appear before the trial Court on 13/4/2022, on which date, the applicant to furnish bail bond as may be directed by the trial Court.

8 Application is disposed of accordingly.

9 All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.