

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.631 OF 2022

Chetan Jaydev Mehta and another	Applicants
versus	
The State of Maharashtra	Respondent

Mr.T.J.Pandian with T.C.Subramanian, Advocate for applicants.
Mr.A.R.Patil, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 21st June 2022

PC :

1. The applicants have preferred this application for cancellation of non-bailable warrant issued against them on 30th April 2022
2. The proceedings are pending before learned 51st Metropolitan Magistrate, Kurla, Mumbai vide CC No.948/PW/2007 for the offences under Sections 353, 332, 504, 427 r/w 34 of Indian Penal Code.
3. Learned counsel for applicants submitted that the FIR was registered in 2007 and apparently charge sheet was filed thereafter. The applicants had never received any summons or notice with regards to filing of charge sheet and were not aware about pendency of proceedings. Offence u/s.353 is now triable by Court of Sessions. The Trial Court is likely to commit the case to the Court of Sessions.
4. Learned APP submit that case is pending in Court since 2007. The applicants ought to have been diligent about the proceedings

initiated against them since FIR was registered against them and they were aware about registration of FIR. However, considering the circumstance that notice of filing of charge sheet was not received by the applicants, the warrant issued against applicants can be set aside with directions to applicants to regularly appear before the Court of Magistrate and after committal of the case before appropriate Trial Court.

5. In view of the aforesaid factual aspects, I pass following order:

ORDER

- (i) Non-bailable warrant issued vide order dated 30th April 2022 is quashed and set aside;
- (ii) The applicants shall regularly appear before the Court of Magistrate and thereafter before the Court of Sessions, unless exempted by the said Courts;
- (iii) Criminal Application stands disposed of.

(PRAKASH D. NAIK, J.)

MST