

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

CRIMINAL APPLICATION (APL) NO. 635 OF 2022

Lotu Chandrabali (Haisila) Yadav

.. Applicant

Versus

State of Maharashtra

.. Respondent

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Mr.Ammar I. Nizami i/b. Mr.Mohammed Umar Z. Kazi, Advocate for the Applicant.

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

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CORAM : PRAKASH D. NAIK J.

DATED : JUNE 28, 2022.

P.C. :

This is an application for cancellation of Non Bailable Warrant (NBW) issued by Additional Sessions Judge, Kalyan in Sessions case No.192 of 2019, on 4th June, 2022.

2 Learned advocate for the applicant submitted that the applicant has been regularly attending the trial Court, however, on 4th June, 2022, he was absent and application for exemption was preferred before the trial Court through his advocate. Learned Judge has issued NBW.

2 Learned APP submitted that the Court was required to issue NBW since the case was due for framing charge and the applicant was absent on 4th June, 2022.

3 From the tenor of order dated 4th June, 2022, it appears that the applicant was absent on 4th June, 2022, however, application seeking exemption from appearing was preferred before the trial Court, which has been rejected, and, NBW has been issued. The applicant apprehends that if he would appear in the trial Court, he would be taken into custody.

4 Considering the aforesaid circumstances, the order dated 4th June, 2022, issuing NBW against the applicant is set aside. Applicant shall appear before the trial Court on the next day of hearing and shall regularly appear on the date of hearing unless exempted by the Court.

5 Criminal Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)