

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2422 OF 2022

Amol Jayprakash Sonkawade Petitioner

Versus

Mahesh Ambadas Jankar Respondent

Mr. Priyal G. Sarda for Petitioner.

Mr. Arfan Saif, APP for respondent/State.

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CORAM : PRAKASH D. NAIK, J.

DATE : 19th July 2022

PC :

1. Not on board. Taken on board.
2. The petitioner is facing prosecution under Section 138 of Negotiable Instrument Act which is pending before the Learned Judicial Magistrate, First Class, Solapur
3. The grievance of the petitioner is that on 06.05.2022 the petitioner was present before the trial Court in first Session. On account of medical emergency of his mother he was required to leave Court. When the matter was called out the petitioner was not present in the Court. The learned Magistrate issued non bailable warrant. Subsequently petitioner preferred an application for cancellation of warrant. The said application has been rejected by learned Magistrate.

4. Thus, the advocate for the petitioner had preferred application for cancellation of warrant on the same day. The said application was kept pending. On 13.06.2022 since the petitioner was not present, the learned Magistrate issued another non bailable warrant on application preferred by the original complainant.

5. Learned advocate for the petitioner submits that in non bailable warrant issued against the petitioner may be cancelled. Applicant would remain present before the trial Court on the next date of hearing 01.08.2022.

6. Considering the fact that the petitioner was present in the Court on 06.05.2022 in first session and after issuance of warrant, application was preferred for cancellation of the said warrant. Both the warrants are can be cancelled. Non bailable warrants dated 06.05.2022 and 13.06.2022 are stands cancelled. The petitioner shall appear before the trial court on 01.08.2022.

7. Writ petition stands disposed of.

(PRAKASH D. NAIK, J.)