

AGK

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

WRIT PETITION NO.4458 OF 2022

D.M. Nangia, through its partner
Anilkumar Mohanlal Nangia ... Petitioner
V/s.
Shiraz Mohamadalli Sajan & Anr. ... Respondents

Mr. Amol Gatne for the petitioner.

Ms. G.P. Mulekar, APP for respondent no.2/State.

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CORAM : AMIT BORKAR, J.

DATED : DECEMBER 15, 2022

PC.:

1. By the impugned order, the learned Magistrate has cancelled non-bailable warrant subject to payment of cost of Rs.1,000/- (Rupees One Thousand Only). The grievance made by the petitioner is that the petitioner being of advance age and the accused remaining consistently absent, the trial has neither commenced nor proceeded with.

2. In my opinion, the learned Magistrate has directed the accused to remain present on the next date. It is further directed that the accused shall remain present unless exempted by the learned Magistrate.

3. In that view of the matter, nothing remains to be decided in the present writ petition.

4. The order of cancellation of non-bailable warrant does not suffer from perversity. The writ petition is, therefore, dismissed. No costs.

(AMIT BORKAR, J.)