

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3338 OF 2022**

Rajesh Saklaldev Yadav ...Petitioner
Versus
State Of Maharashtra And Anr ...Respondents

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Mr. Prabhakar Pandey, Advocate for the Petitioner.

Mr. A. R. Patil, APP for the Respondent – State.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 13th SEPTEMBER, 2022**

PC :

1. The petitioner is convicted for an offence punishable under Section 138 of the Negotiable Instruments Act in SCC No.4626 of 2016. The judgment and order dated 09.01.2020 is challenged before the Sessions Court by preferring appeal. There is delay in preferring appeal which has been condoned and application is kept for hearing on suspension of sentence. Since, the advocate for petitioner was not present before the Sessions Court, the learned Sessions Judge issued non-bailable warrant on 22.07.2022. The petitioner preferred an application through advocate for stay of non-bailable warrant. However, the learned Additional Sessions Judge by order dated 03.08.2022 rejected the application for stay of non-bailable warrant.

2. Learned advocate for the petitioner submits that the advocate for petitioner would proceed with hearing of the application for suspension of sentence on any date fixed by the Court. The accused was not present before the Sessions Court on account of illness of his mother.

3. Considering the factual aspects as stated above, I pass the following order:-

ORDER

(i) Non-bailable warrant issued by additional Sessions Judge, Thane in Criminal Appeal No. 02 of 2022 vide order dated 22.07.2022 is set aside.

(ii) The petitioner shall remain present before the Sessions Court on 19.09.2022.

(iii) The advocate for the petitioner shall proceed with the hearing of the application for suspension of sentence.

(iv) Writ Petition stands disposed of.

(PRAKASH D. NAIK, J.)