

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 CRIMINAL WRIT PETITION NO.327 OF 2023

ABHAY @ ABASAHEB MARUTI JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.A.B. Jagtap, Advocate for the petitioner.

Mr.S.R. Yadav-Lonikar, APP for the respondent/State.

CORAM : KISHORE C. SANT, J.
DATED : 09.03.2023

PC :-

01. Heard. The petitioner is challenging an order of issuing non-bailable warrant against him by order dated 04.01.2022. He submits that charge-sheet was received by the Court on 24.12.2021 and immediately thereafter the matter was posted on 04.01.2022. The learned Judge, Special Court, Nevasa without issuing summons, issued non-bailable warrant. He further submits that this exercise is totally impermissible in view of judgment reported in AIR 2008 SC 251 in the case of Inder Mohan Goswami & Anr. Vs. State of Uttaranchal & Ors. and judgment reported in 2022 AIR (SC) 3386 in the case of Satender Kumar Antil Vs. Central Bureau of Investigation & Anr.

02. The learned Advocate for the petitioner further informs that he

has also applied for anticipatory bail in the event of his arrest. Same was dismissed. However, now he has approached this Court by filing appeal. The petitioner has been already protected. In view of above, this Court finds that entertaining this petition will only be an academic question and purpose will be served by directing the petitioner to approach the learned Trial Court and seek cancellation of non-bailable warrant issued against him. The learned Advocate for the petitioner also concedes to this and prays for withdrawal of the petition. This Court, therefore, pass following order :-

ORDER

- (i) The Criminal Writ Petition is allowed to be withdrawn with liberty to the petitioner to approach the learned Trial Court to file application for cancellation of non-bailable warrant dated 04.01.2022.
- (ii) The criminal application accordingly stands disposed off.

[KISHORE C. SANT, J.]