

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

930 CRIMINAL WRIT PETITION NO.1455 OF 2023

Dnyaneshwar Suryabhan Khadke

.. Petitioner

Versus

Arjun Rangnath Shinde and Another

.. Respondents

...

Advocate for Petitioner : Mr. K. N. Shermale

Advocate for Respondent No.1 : Mr. S.S. Wagh

APP for Respondent No.2 : Mr. G.O. Wattamwar

...

CORAM : R. M. JOSHI, J.

DATE : OCTOBER 19, 2023

PER COURT :

. Learned counsel for the petitioner submits that except for one date, the petitioner has appeared before the Trial Court on all the dates of the hearing. By referring to the *roznama* of the concerned proceedings, it is submitted that without issuing Bailable Warrant, NBW came to be issued. He apprehends that the Trial Court may not cancel the NBW in view of the issuance of fresh NBW at the instance of respondent / original complainant.

2. Learned counsel for the respondent / original

complainant submits that the whole intention of the respondent is to ensure the early disposal of the proceeding before the Trial Court.

3. *Prima facie* perusal of the record indicates that in the absence of petitioner on one date of hearing, NBW came to be issued. This Court finds substance in the apprehension of the petitioner about the possibility of NBW may not be getting cancelled at the hands of the learned Trial Court. In view of this, the Trial Court is directed not to take the petitioner in custody in connection with the crime in question for the period of one month. Petitioner to appear before the learned Magistrate on the next date of hearing i.e. on 08.11.2023. The application filed by the petitioner for cancellation of warrant be decided by the Trial Court on the same day. The Trial Court is also directed to conclude the trial of Summary Criminal Case No.571 of 2019 as expeditiously as possible.

4. In the aforesaid terms, Criminal Writ Petition is disposed of.

[R. M. JOSHI]
JUDGE

GGP