

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1833 OF 2022

SHUBHAM BHIKULAL JAT

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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None for Petitioner

APP for Respondent No.1/State : Mr. P. N. Kutti

Advocate for Respondent No.2 : Mr. Bramhankar Rakesh C.

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CORAM : KISHORE C. SANT, J.

DATE : 20th MARCH 2023.

Per Court :

1. In this petition, a challenge is to an order dated 18.11.2021 passed by the learned Special Judge (POCSO), Aurangabad, issuing Non-Bailable Warrant against the present petitioner with notice to his surety. The learned Judge has observed that on 16.11.2021, accused had taken in judicial custody vide below Exh:1 by rejecting his application for cancellation of NBW. However before handing over warrant to the escort police constable, petitioner ran away from their custody. Therefore, Crime No.291/2021 is also registered against the

petitioner on 17.11.2021. Thus fresh NBW was issued by this impugned order. This order was challenged in this Court by filing this petition on 14.12.2022. Thereafter the matter was not circulated. For the first time, on 04.01.2023 this Court had issued notice to respondents. Though the notice was issued, office endorsement shows that the spare copy was not supplied by the Advocate for the petitioner, hence notice not issued for respondent no.2. The matter was therefore again adjourned from time to time, since the spare copy was not supplied by the Advocate.

. On 27.02.2023, complainant/respondent no.2 was present in person in the Court. As per the request of the complainant, lawyer was appointed through Legal Aid to represent her.

2. Today, no one appeared for the petitioner. Therefore, this Court finds that the petitioner is not interested in prosecuting the petition. Looking to the conduct of the petitioner, this Court finds that he does not deserve any relief from this Court under extraordinary jurisdiction under Section 227 of the Constitution of India. The petition is therefore dismissed for default.

3. This Court appreciates with the service of the learned appointed advocate through legal aid, who assisted this Court by representing respondent no.2. In view of this, he is entitled to fees of Rs.10,000/-.

[KISHORE C. SANT, J.]

Najieb.