

GRM

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

CRIMINAL WRIT PETITION NO. 557 OF 2023

Abdul Qayyum Abdul Hamid Khan ... Petitioner

V/s.

M/s. SJLT Spinning Mill Pvt. Ltd. & Anr. ... Respondents

Mr. Satyaram Radheshyam Gaud, Adv. for the Petitioner.

Ms. Anamika Malhotra, APP for the State/Respondent.

CORAM : R. G. AVACHAT, J.

DATED : FEBRUARY 10, 2023

P.C. :

Heard.

2. The challenge herein is to the order of issuance of non-bailable warrant against the petitioner, so as to ensure his presence before the Appellate Court.

3. The appeal has already been heard and scheduled for passing judgment. The Appellate Court vide impugned order dated 27/01/2023 observed the breach of bond executed by the appellant. It thus appears to this Court that the Appellate Court requires the presence of appellant before it, before pronouncing the judgment in appeal.

4. In view of the same, this Court is not inclined to even issue notice in the matter. Hence, the writ petition stands dismissed and disposed of accordingly.

5. It is true that the Appellate Court can pass the judgment in absence of an appellant.

(R. G. AVACHAT, J.)