

Ghuge

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

CRIMINAL APPLICATION NO.292 OF 2023

Narashi Mulji Shah ... Applicant

V/s.

Alchemie Financial Service Ltd and Anr ... Respondents

Mr. Pravin Gaikwad for the applicant.

Mr. M.G. Patil, APP for the State.

CORAM : AMIT BORKAR, J.

DATED : MARCH 21, 2023

P.C.:

1. The challenge in this petition is to the order of issuance of non-bailable warrant in SCC No. 2971 of 2017 for non appearance of the petitioner.
2. The petitioner is 91 year old and therefore could not remain present on the date fixed. Considering the age of petitioner, the impugned order of issuance of non-bailable warrant deserves to be quashed and set aside. However, on the condition that the petitioner shall remain present before the Magistrate on the next i.e. on 30th April, 2023.
3. Accepting the statement that the petitioner shall remain present on 30th April, 2023, the writ petition is allowed in terms of prayer clause (i). No costs.

4. It is made clear that if the petitioner fails to remain present on 30th April, 2023 the Magistrate shall be at liberty to pass appropriate orders in accordance with law.

(AMIT BORKAR, J.)