

VRJ

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

CRIMINAL APPLICATION NO.381 OF 2023

Perumal Nadar & Ors. ... Applicants
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Saurabh Godbole i/by Mr. Sahil Mahajan for the applicants.

Mr. Arfan Sait, APP for the respondent No.1/State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 21, 2023

P.C.:

1. The applicants are original accused Nos.6, 7 and 8 in a complaint for offences under sections 452, 324, 323, 504, 506 read with section 34 of the Indian Penal Code, 1860. On process being issued by the Magistrate, the applicants appeared before the Magistrate through advocate.

2. Since, the applicants were not present, the Magistrate issued non-bailable warrant against them. The applicants moved an application for cancellation of non-bailable warrant. In paragraph 18 of the application, the applicants have stated as under:

“18. The learned Magistrate has refused to take the application of the Applicants on the ground that the Applicants are not present in court personally. Despite the clear guidelines issued by this Hon’ble Court in the cited

judgment the learned Court below refused to take the application for recall/cancellation of Non Bailable Warrants on this ground alone that accused are not present personally at the time of filing application seeking recall/cancellation of Non Bailable Warrants.”

3. The applicants are, therefore, permitted to file application for cancellation of non-bailable warrant. The Magistrate shall accept the application and decide the same in accordance with law.
4. The criminal application stands disposed of. No costs.

(AMIT BORKAR, J.)