

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

CRIMINAL WRIT PETITION NO.2351 OF 2023

Prakash Balaram Jagtap
and others

..... Petitioners

Versus

State of Maharashtra

.... Respondent

Mr. Abdul Wahab Shaikh, Advocate i/b. Mohd. Umar Kazi, for the
Petitioners.

Mr. Arfan Sait, APP for the Respondent-State.

CORAM : SARANG V. KOTWAL, J.

DATE : 13th JULY, 2023

P.C. :

1. The Petitioners have challenged the order dated 23.6.2023 whereby non-bailable warrant was issued against the Petitioners.

2. The Petitioners are the original accused Nos.3, 4 & 5 in R.C.C. No.1237/2019 before the Judicial Magistrate, First Class, Ulhasnagar. On 23.6.2023, when the matter was listed, the Petitioners made an application for exemption on the ground that they had joined a new company and leave was not granted to them. Said application was opposed by the prosecution. It was mentioned that the application under Section 173(8) of Cr.P.C.

was pending since 16.11.2019 for arguments and on every date, the complainant inspite of the physical disability was remaining present. Thus, the application for exemption of the Petitioners-accused was strongly objected.

3. Learned Judge was not satisfied with the reasons given by the Petitioners. He observed that no supporting documents were provided. The case was old. The charge was yet to be framed; and, therefore, issued non-bailable warrant against the Petitioners.

4. Learned counsel for the Petitioners submitted that the Petitioners have no intention to evade the process of law. They shall remain present before the said Court on every date henceforth unless specifically exempted for a valid reason. He submitted that even on the next date, the Petitioners shall remain present before the said Court and shall not cause any delay in further conduct of the proceedings. The statement is recorded.

5. Strictly on the basis of this statement and in the interest of justice, I am inclined to stay the NBW till the Petitioners appear before the said Court on 14.8.2023.

6. Hence, the following order:

:: O R D E R ::

- i. The non-bailable warrant issued against the Petitioners on 23.6.2023 in R.C.C. No.1237/2019 by the Judicial Magistrate, First Class, Ulhasnagar is stayed till 14.8.2023.
- ii. On that day i.e. on 14.8.2023, the Petitioners-accused shall appear before the said Court and show their bonafides.
- iii. The Petitioners shall cooperate with smooth progress of the proceedings and shall not cause any delay.
- iv. The Petitioners shall attend all the dates in the Court, unless exempted for a valid reason acceptable to the learned Magistrate.
- v. With these observations and directions, the Petition is disposed of.

PRADIPKUMAR
PRAKASHRAO
DESHMANE

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PRADIPKUMAR
PRAKASHRAO DESHMANE
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(SARANG V. KOTWAL, J.)

Deshmane (PS)