

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.143 OF 2023

Rahul S/o. Panju Totwani and Anr.

.VS.

The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri M. V. Rai, Advocate for the petitioners

Shri S. A. Ashirgade, APP for the State

CORAM : G.A. SANAP, J.

DATE : FEBRUARY 22, 2023.

Heard the learned Advocate for the petitioners at the stage of issuance of notice. On going through the record and proceedings, I am satisfied that this is not a fit case to issue notice. In any case, the learned APP has accepted the notice. He has made submission that any attempt made to delay the proceeding has to be viewed seriously.

2. The application for cancellation of non bailable warrant issued against the accused Nos. 1 and 3 was rejected by the learned Addition Sessions Judge vide order dated 20.02.2023. Learned Judge has recorded the reasons.

3. It is stated that due to death in the family of accused No.1, who is the petitioner No.1 before this Court, he could not attend the Court. As far as accused No.3 is concerned, he also accompanied him. The name of the relative who died has been mentioned. Similarly, the death certificate is placed on record. The roznama reveals that neither the accused Nos. 1 and 3 nor the Advocate attended the proceeding. No application was made for exemption. The most serious aspect is that the witness No. 3 was present on that day. But his evidence could not be recorded in the absence of accused Nos. 1 and 3. Advocate for the accused Nos. 1 and 3 did not apply for exemption. In my view, on both these grounds the submission is not acceptable. Such an attempt to hamper the progress of the matter cannot be appreciated. Learned Judge for the reasons recorded in the order was pleased to reject the application for cancellation of non bailable warrant. I am satisfied, on going through the record, that the learned Judge has not committed any mistake.

4. The writ petition is, therefore, stands **dismissed**.

(G. A. SANAP, J.)