

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (ABA) NO. 142 OF 2023

Amardeep Singh Thakur
..VS..

Directorate of Enforcement, Government of India through its Assistant Director,
Pankaj Goyal, Sub-Zonal Office, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Anil Mardikar, Senior Advocate assisted by Shri V.R. Deshpande, Advocate for Applicant.
Shri Nandesh Deshpande, Deputy Solicitor General of India with
Shri N.M. Gaidhane, Special Public Prosecutor for Directorate of
Enforcement.

CORAM : ANIL L. PANSARE, J.
DATED : MARCH 30, 2023.

1. Heard for some time.

2. The accusation against the applicant is that on 13.01.2023 he has escaped the lawful custody of the Special Court. It so happened that on 13.01.2023, pursuant the summons, the applicant was required to appear before the Special Court under the Prevention of Money Laundering Act, 2002 in Cri. Case No.1/2022. The applicant was taken into custody and was asked to sit in the Court. The applicant's Advocate, with permission of the Court, took him outside the Court hall for taking instruction. The applicant thereafter instead of coming back to the Court, fled away and also switched off his mobile. The learned Special Court, noting

aforesaid conduct, issued non bailable warrant against the applicant. The applicant therefore is apprehending arrest.

3. Learned Deputy Solicitor General of India submits that the proper remedy would be to apply for cancellation of non bailable warrant. He further submits that this Court by taking note of the conduct of the applicant should reject the application.

4. Shri Mardikar, learned Senior counsel for the applicant submits that the applicant had no intention to flee away or escape the custody, however the circumstances were such that applicant got the impression that he will be remand in magisterial custody and further was unaware that making him sit in the Court would have the effect of the custody of the Court, therefore might have committed a mistake. The applicant has repentance for the act done. He has approached this Court on the count that if he applies for cancellation of non bailable warrant, the learned Special Judge, annoyed of the conduct of the applicant, may not consider his application in a manner as may be required to be considered from applicant's point of view.

5. To my mind, the judges are used to such behaviour of the person. The apprehension put forth by the applicant that the learned Special Judge, who has put in number of years in the service, could be prejudiced by such conduct is uncalled for. If the applicant appears

before the Special Court and seeks cancellation of non bailable warrant, the same will naturally be considered on the basis of the grounds put-forth by the applicant. The extreme step of magisterial custody would require extraordinary situation.

6. At this stage and in light of whatever has been observed hereinabove, the learned Senior Advocate, on instructions, seeks permission to withdraw the application with liberty to approach the trial Court for appropriate remedy. Permission is granted.

7. The application is disposed of as withdrawn with liberty as prayed for.

(ANIL L. PANSARE, J.)

Kirtak.