

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

CRIMINAL WRIT PETITION NO. 507 OF 2023

Abdul Gafar Nabi S/o. Hasrat Amrullah Haji Nabi
.VS.

State of Maharashtra, through PSO Hingna, Distt. Nagpur

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

Mr Mahesh Mourya, Advocate for the petitioner
Smt. Mayuri Deshmukh, APP for the State

CORAM : G.A. SANAP, J.
DATE : JULY 21, 2023.

Heard the learned Advocate for the petitioner.

2. It is seen on perusal of the record that on the date of taking cognizance i.e. on 10.01.2022 without issuing a bailable warrant learned Magistrate directly issued a non-bailable warrant against the accused. Learned Magistrate has not recorded any reason for issuance of non-bailable warrant on the very first date of taking cognizance. It is seen that this approach of the learned Magistrate is not in consonance with the settled position in law.

3. Be that as it may, petitioner/accused without filing the application for cancellation of non-bailable warrant has directly approached this Court. No justifiable reason is stated in the application for directly approaching this court

without making an application for cancellation of non-bailable warrant.

4. In view of the facts and circumstances, liberty is granted to the petitioner/accused to apply for cancellation of non-bailable warrant. As and when application is made, the learned Magistrate shall pass an appropriate order in accordance with law.

5. It is made clear that, in the mean time police shall not execute the non-bailable warrant.

6. The petitioner/accused shall appear before the learned Magistrate on 24.07.2023 and apply for cancellation of the non-bailable warrant.

7. In view of the above, the writ petition stands **disposed of.**

(G. A. SANAP, J.)

Namrata