



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

CRIMINAL APPEAL NO. 173 OF 2009

State of Maharashtra Vs Arun s/o Digambar Chopde and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. M.A. Barbde, APP for the State/appellant.

Mr. U.Hingmire, counsel h/f Ms. S.V. Sirpurkar, counsel for respondent Nos. 1,3
and 6 to 8.

Mr. M.V.Rai, counsel for respondent No.5.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 09/08/2024.

1. This is an appeal by the State against the acquittal.
2. Learned counsel Mr. M.V. Rai is present for respondent No.5.
3. Learned counsel Mr. Utkarsh Hingmire is present for respondent Nos. 1,3 and 6 to 8.
4. Respondent No.2 is also represented by his Counsel. Only respondent No.4 is not represented and non-bailable warrant was already issued against him which is returned back unserved.
5. Issue non-bailable warrant against respondent No.4.
6. Learned APP to take every efforts to serve respondent No.4 as he is resident of District Balagel, State of Orissa.
7. Stand over to four weeks.

Later on at 2.30 P.M.

1. Due to continuous absence of respondent No.4, non-bailable warrant was issued against respondent No.4.
2. Now, respondent No.4 is present before this Court and he has taken into custody.
3. Learned counsel Mr. M.V.Rai submitted that, he seeks to file an application for cancellation of bail

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4. Respondent No.4 appeared and filed an application for cancellation of non-bailable warrant.
5. Learned counsel appearing for respondent No.4 submitted that the warrant was not executed upon respondent No. 4 and he suo-motu, appeared before the Court. He is a resident of Limpara, within the jurisdiction of Police Station Muribahal, Tahsil Moribahal, District Balangir (Odisha). It is further submitted that he is an agriculturist, and he has not misused his liberty. He would remain present before the Court as and when required and prays for cancellation of non-bailable warrant.
6. In view of the reasons mentioned in the application, the non-bailable warrant issued against the respondent No.4 is cancelled.
7. The respondent No.4 shall furnish his cellphone number and address with address proof before this Court,

and shall remain present on the date of hearing of this appeal.

8. From the record, it reveals that though respondent No.2 is represented by counsel, the counsel, who collected the paper book is not appearing.

9. Issue non-bailable warrant against the respondent No.2.

10. Stand over after **two weeks**.

[URMILA JOSHI-PHALKE, J.]