



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

26 CRIMINAL APPLICATION NO. 541 OF 2023

1. Iqbal S/o. Rasul Pinjari
Age:- 34 Years, Occu:- Business.
2. Rasul S/o. Dholan Pinjari
Age:- 58 Years, Occu:- Labour.
3. Rajiyabi W/o. Rasul Pinjari
Age:- 55 Years, Occu:- Household.
4. Aasma D/o. Rasul Pinjari
Age:- 28 Years, Occu:- Labour.

All R/o. R/o.1992, Khadka Road,
Khadke. Muslim Colony, Tal. Bhusval,
Dist. Jalgaon.

... Applicants
(Org. Accused)

Versus

1. The State of Maharashtra,
Through I.O. of
Chalisgaon Road Police Station,
Dhule, Dist:-Dhule.
2. Police Inspector/ I.O.
Bhusalval Bazarpeth Police Station,
Dist. Jalgaon.
3. Shabuddin Mohammad Pinjari (Deceased)
Through his Son.
3.A Taiyyab S/o. Shabuddin Pinjari
Age:- 34 years, occu:- Private Service
R/o. Plot No. 33 Avishkar Colony,
Chalisgaon Road Dhule.

... Respondents
(Resp. No.3 is Informant)

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Advocate for Applicant : Mr. Paresh B. Patil (Borse).

APP for Respondent / State : Mr. S. A. Gaikwad.

Advocate for Respondent No.3 : Mr. G. R. Syed.

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CORAM : **SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 21st April, 2025.

Per Court :

. The learned APP places on record the downloaded daily status of the matter i.e. R.C.C. No.185 of 2024, before the learned 5th Joint Civil Judge Junior Division and Judicial Magistrate First Class, Bhusawal that the present applicants are not remaining present and therefore, bailable warrant has been issued. The accused No.1 has been released on bail by the Honourable Apex Court and accused Nos.2 to 4 are released on bail by this Court. It appears that the matter has not even been committed to the Court of Sessions as the present applicants had not appeared before the concerned Court. Therefore, we take that when the applicants are not abiding by the law and the procedure, this is not a fit case where we should exercise our powers under Section 482 of the Cr.P.C.

2 The learned counsel for the applicants, upon instructions, submits that the warrant has not been served on the applicants. He

further submits that the submissions on merits have not been heard by this Court.

3 The first and the foremost fact to be noted is that the bailable warrant appears to have been issued on 16th October, 2024 and till today, the same stage continues. The law and the procedure do not contemplate that the warrant should be made known to the accused persons. Further, when this basic fact is brought to the knowledge of this Court that the applicants are not abiding by the procedure, we take this case to be the case in which the inherent powers cannot be exercised and then the merits need not be touched.

4 We, therefore, dismiss the present criminal application.

[SANJAY A. DESHMUKH, J.] [SMT. VIBHA KANKANWADI, J.]

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