

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1659 OF 2025

Onkar Pratap Jadhav Petitioner

V/s.

The State of Maharashtra Respondent

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Mr.Kuldeep U. Nikam, for the Petitioner.

Ms.Sangeeta D. Shinde, APP, for Respondent-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 26th MARCH 2025

P.C:-

1. The Petitioner has challenged the NBW and proclamation order passed by the Additional District and Sessions Judge, Waduj (for short 'said Court').

2. It is contention of the learned counsel for the Petitioner that, the Petitioner has charged under Section 376 and relevant sections of IPC. The Petitioner has attended Court dates regularly. For some dates the Petitioner was not present before the Trial Court, hence, NBW was issued against the Petitioner. The learned counsel for the Petitioner submit that, the Petitioner

had challenged order of NBW before this Court. This Court (Coram : R.N. Laddha, J.) allowed the Petition and directed the Petitioner to file Application for cancellation of NBW before the Trial Court. The Petitioner had filed Application for cancellation of NBW. The Trial Court has not passed any order on it and issued notice to Respondent No.2. Thereafter, the Trial Court has passed order of proclamation.

3. The learned counsel further submitted that, the Petitioner is ready to attend each and every date before the trial Court without taking any exemption. Hence, requested to allow the Petition.

4. The learned APP strongly objected to allow the Petition on the ground that, the Trial has commenced, five witnesses have been examined. The Petitioner is prolonging the trial. The learned Trial Court has passed well reasoned order about issuance of the NBW against the Petitioner. When Application for cancellation of NBW was filed. The Petitioner was not present in the Court. The Petitioner failed to appear before the Trial Court on given date's. Hence, requested to

dismiss the Writ Petition.

5. I have heard both learned counsel. Perused orders passed by the learned Trial Court.

6. It appears from the record that, the Petitioner is not appearing before the Trial Court. The trial has commenced. The Petitioner undertakes to appear before the Trial Court on each and every date and is ready to co-operate in the trial. Considering these facts, I pass following order.

ORDER

(i) The Petition is allowed.

(ii) The NBW issued against the Petitioner is cancelled subject to payment of cost of Rs.10,000/- payable to Civil Hospital, Waduj, Satara.

(iii) The Proclamation issued against the Petitioner is cancelled.

(iv) The Petitioner shall appear before the Trial Court regularly and cross-examine the witnesses on given date. If the Petitioner or his advocate remain absent on the given date, the Trial

Court shall impose cost of Rs.10,000/- on Petitioner and shall pass appropriate order against him.

(v) It will be one of the ground for cancellation of the bail of the Petitioner.

(vi) The Writ Petition is disposed of in the aforesaid terms.

(SHIVKUMAR DIGE, J.)