

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 6670 OF 2025**

Jagdish Kanjibhai Patel

..Petitioner

Versus

The State of Maharashtra

...Respondent

(at the instance of the Mankhurd Police Station)

Mr. Tariq Khan, for the Petitioner.

Mr. P. P. Malshe, APP, for the Respondent-State.

CORAM: N. J. JAMADAR, J.

DATE : 15th DECEMBER 2025

ORAL ORDER:

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 4th December 2025, passed by the learned Judicial Magistrate, 52nd Court, Kurla, Mumbai, whereby the Application preferred by the Petitioner for recalling of the order of issue of Non Bailable Warrant, came to be rejected.
3. The learned Counsel for the Petitioner submitted that the Petitioner is 86 years of age and thus could not appear before the learned Magistrate, on the date the Application came to be rejected.
4. From the perusal of the impugned order, it appears that, the learned Magistrate was persuaded to issue NBW and decline the prayer

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to recall the same as the matter was posted for recording the evidence of the witnesses, who were present on that date.

5. The learned Counsel for the Petitioner submits that, the Petitioner would appear before the learned Magistrate on 26th December 2025, the next scheduled date of the listing of the CC No. 1101012/PW/2012 and continue to appear before the learned Magistrate, regularly.

6. In view of the aforesaid statement and having regard to the age of the Petitioner, the Court considers it expedient to provide an opportunity to the Petitioner to appear before the learned Magistrate on 26th December 2025 and file an Application for cancellation of NBW.

7. Hence the Petition stands disposed with liberty to the Petitioner to appear before the learned Magistrate on 26th December 2025 and file an Application for cancellation of NBW.

8. In the event, the Petitioner appears before the learned Magistrate and files such Application, the learned Magistrate may have due regard to the age of the Petitioner and the circumstances of the case, in determining the said Application for cancellation of NBW.

9. In the meanwhile, the execution and operation of the NBW shall remained stayed till 26th December 2025.

10. It is hereby made clear that, if the Petitioner does not appear before the learned Magistrate on 26th December 2025, the interim protection granted to the Petitioner shall stand vacated automatically.

11. The Petitioner shall continue to appear before the learned Magistrate and shall not seek adjournment till the conclusion of the trial.

12. Petition disposed.

[N. J. JAMADAR, J.]