



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

CRIMINAL WRIT PETITION NO. 94 OF 2025

Ravindra Gambhirrao Sapkal and others.

Vs

Buldana Urban Co Operative Credit Society Ltd Through Superintendent and Anr

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

Court's or Judge's Order

Mr. S.A. Thakkar, counsel for petitioners

Mr. Anant Ghogre, counsel for respondent.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 28/01/2025.

1. By this petition, the petitioners have challenged the order dated 30/12/2024 passed by the Additional Chief Judicial Magistrate Court No.3, Buldana, rejecting the application of the present petitioners of cancellation of non-bailable warrant and imposing costs of Rs. 20,000/-.

2. Learned counsel for the petitioners submitted that as the other accused was not remaining present therefore, the proceeding was not progressed and the petitioners remained absent. There is no intention to prolong the matter. The petitioners have filed an application for cancellation of bail, but they were not present, and therefore, the application is rejected subject to costs of Rs. 20,000/-. Now, the applicants are ready to abide all the conditions, and they would remain present

before the Chief Judicial Magistrate and will cooperate to dispose of the trial.

3. In view of that, it is submitted that the cost imposed, which is exorbitant one, be set aside, and the non-bailable warrant issued against the present petitioners be cancelled.

4. Perused the Rojnama as well as the application filed. As far as the rejection of the application is concerned, which is only on the ground that the petitioners were not present before the court and the prayer was made to cancel their non-bailable warrant in their absence, and therefore the learned Magistrate has rightly rejected the prayer.

5. However, considering the submissions made by the learned counsel for the petitioners, one more opportunity is to be granted to the petitioners.

6. The petitioners shall file an application before the learned Magistrate, and the learned Magistrate shall consider the same appropriately.

7. As far as the imposing of the cost is concerned, which is exorbitant and harsh, the order to the extent of payment of costs of Rs. 20,000/- is hereby quashed and set aside.

8. The liberty is granted to the petitioners to file an application before the learned Magistrate to cancel

the non-bailable warrant by remaining present. The learned Magistrate shall consider the same appropriately, as per the law.

9. The petition is **disposed of**.

[URMILA JOSHI-PHALKE, J.]