

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 339 OF 2026

Rajesh Dattaram Mehta and Anr ..Petitioners  
**Versus**  
State of Maharashtra ...Respondent

Mr. Advait Shukla, with Advait Raorane, i/b Amandeep Singh Sra, for  
the Petitioners.

Mr. A. R. Metkari, APP, for the Respondent-State.

Mr. R.N. Garje, PSI, Malad City Police Station.

CORAM: N. J. JAMADAR, J.  
DATE : 22<sup>nd</sup> JANUARY 2026

**ORDER:**

1. Heard the learned Counsel for the parties.
2. The Petitioners are aggrieved by an order dated 17<sup>th</sup> January 2026 passed by the learned Judicial Magistrate, Mahad, in RCC No. 83 of 2025, whereby non-bailable warrant was ordered to be issued against the Petitioners by rejecting an application for exemption filed on behalf of the Petitioners on the ground that the Advocate who had filed exemption application had not filed the vakalatnama on behalf of the Petitioners.

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3. The learned Counsel for the Petitioners on instructions submits that the Petitioners will appear before the learned Magistrate on 27<sup>th</sup> January 2026.

4. The Court finds that the proceeding is of the year 2025. The Petitioners have been released on bail on 5<sup>th</sup> January 2026. Since Accused No.1 has not appeared, the learned Magistrate has issued aailable warrant against Accused No.1. In these circumstances, the learned Magistrate could not have straightway issued a non-bailable warrant against the Petitioners.

5. The impugned order of issue of non-bailable warrant stands quashed and set aside subject to the condition that the Petitioners shall appear before the learned Magistrate on 27<sup>th</sup> January 2026.

6. In the event, the Petitioners do not appear before the learned Magistrate on 27<sup>th</sup> January 2026, this order shall stand recalled, and the learned Magistrate would then be at liberty to secure presence of the Petitioners by adopting appropriate process.

7. Petition disposed.

[N. J. JAMADAR, J.]