



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

CRIMINAL APPLICATION (APL) NO. 70 OF 2026

NASIM AHMAD KUTUBODDIN

Vrs.

THE STATE OF MAHARASHTRA

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

Court's or Judge's Order

Shri A. G. Hunge, Advocate for applicant.
Shri N. B. Jawade, APP for non-applicant-sole.

CORAM: URMILA JOSHI-PHALKE, J.

DATE : 13/02/2026.

1. By this application, applicant is seeking quashing of the order passed by the Additional Sessions Judge, Akot dated 14/11/2025 by which the non-bailable warrant is issued against the present applicant as well as notice is also issued to his surety. Learned counsel for the applicant submitted that the applicant could not remain present due to his occupation hazard as he is residing in Madhya Pradesh and therefore, he filed an application for exemption, but the same was rejected and the non-bailable warrant is issued against the present applicant without assigning any reason. In view of that, the order passed by the Additional Sessions Judge, Akot deserves to be quashed and set aside.

2. Per contra, learned APP strongly opposed the said contention and submitted that one of the accused is in jail. The trial is expedited by the order of this Court and therefore, Court has insisted for the presence of the present applicant, but due to absence of the present applicant, trial is held up. In view of that, application deserves to be rejected.

3. After hearing both the sides and on perusal of the entire record, it reveals that in view of the order passed by this Court, trial is expedited. Thereafter, it was expected that the counsel for the accused as well as co-accused shall co-operate to proceed with the trial. It reveals that exemption application was rejected as it was not having any sufficient reason. However, considering that on prior date, the applicant was present before the Court and therefore, the application deserves to be allowed by imposing certain conditions. Accordingly, I proceed to pass following order :-

ORDER

- i] The order directing issuance of non-bailable warrant to the present applicant and the notice to the surety is cancelled and set aside on condition that the applicant shall remain present on each and every date of the trial unless there are exceptional circumstances.
 - ii] The Trial Court shall consider the exemption application only in extreme exceptional circumstances, if it is placed before the Court.
 - iii] The applicant as well as the accused persons to co-operate with the Trial Court to decide the trial at the earliest and expeditiously.
4. The application is disposed of.

[JUDGE]