

**IN THE COURT OF SPECIAL JUDGE FOR C.B.I.
FOR GREATER BOMBAY AT MUMBAI**

CBI SPECIAL CASE NO. 83 OF 2003

SANJAY AGRAWAL

Applicant/
Orig. Accd. No. 1

V/s.

THE STATE OF MAHARASHTRA
(At the instance of Central Bureau of
Investigation, B.S. & F.C., Mumbai.

Respondent/
Orig. Complainant

**CORAM : H.H. THE SPECIAL JUDGE,
SHRI. JAYENDRA C. JAGDALE,
(C. R. No. 51).**

DATED : 27th September, 2017.

Mr. Shatalwar, Ld. Advocate for the applicant/orig. accused no. 1.
Mr. Omprakash, Ld. S.P.P. for the CBI/Respdt.

ORAL ORDER BELOW EX-267

1 This is an application placed by the Ld. Advocate of applicant/original accused no. 1 for cancellation of non-bailable warrant issued against the applicant/accused.

2 Heard arguments advanced by Ld. Advocate for the applicant/original accused no. 1 and Ld. S.P.P. for the State/CBI. The Ld. Advocate for applicant/accused has reiterated the contents of application. The prosecution has objected the application. It has given say on the backside of application. I have perused the application, say

and documents produced on behalf of the applicant/accused.

3 It appears from the record that the applicant/accused or his advocate has remained absent on the date of the matter i.e. 26/09/2017 when the matter was called out in the morning, therefore non-bailable warrant has been issued against the applicant/accused.

4 The Ld. Advocate of applicant/accused has claimed that on 26/09/2017, the applicant/accused was unable to come due to some personal difficulty. Ld. Advocate of applicant/accused was also absent, as he was busy in the Hon'ble Bombay High Court. In the consequence, non-bailable warrant was issued against the applicant/accused. Hence he has prayed to cancel the non-bailable warrant issued against the applicant/accused.

5 The Ld. SPP for CBI has raised strong objection for cancellation of non-bailable warrant and claimed that accused is negligent about proceeding of the case and he is purposely doing so, which is a violation of the condition of bail. It is his utter disregard of bail conditions. Personal difficulty excuse is lame, as not explained by the accused. Hence he has prayed to reject the application.

6 It has to be remembered that the roznama itself shows that the applicant/accused or his advocate remained present regularly. The previous record itself shows that he is not a habitual absentee. Under such circumstances, it will not be proper to reject the application. This must be a genuine mistake of fact. Hence, I am of the opinion that the application deserves to be allowed.

:3:

Order Below Ex-267

7 With this, I proceed to pass the following order :-

ORDER

1 Application at Ex-267 in CBI Special Case No. 83/2003 is hereby allowed.

2 Non-bailable warrant issued against the applicant/original accused no. 1 in CBI Special Case No. 83/2003 is hereby cancelled.

3 Application at Ex-267 in CBI Special Case No. 83/2003 stands disposed of accordingly.

(Order dictated and pronounced in open court.)

Dated : 27/09/2017

(Jayendra C. Jagdale)
The Special Judge for CBI,
City Civil & Sessions Court,
Gr. Bombay.

Dictated on : 27/09/2017
Transcribed on : 28/09/2017
Signed on : 28/09/2017
Delivered to Certified :
Copy Section on

:4:

Order Below Ex-267

“Certified to be true and correct copy of the original signed judgment/order”.

Upload Date & Time : 28/09/2017 at 5.50 p.m.

Smt. G. K. Kotawadekar

Name of the Stenographer

H.H.J. SHRI. JAYENDRA C. JAGDALE (C. R. No. 51)

Date of pronouncement of judgment/order :-27/09/2017

Judgment/order signed by the P.O. on :-28/09/2017

Judgment/order uploaded on :-28/09/2017