

RCC No. 147/2002  
State of Mah.  
..Vs..  
Sunil Kedar & Ors.

**ORDER PASSED BELOW EXH.3617**  
**(Passed on 13/06/2024)**

This is an application filed by accused for cancellation of non-bailable warrant. It is contended that accused is co-accused. He is implicated in similar type of crimes. He was directed to remain present as Criminal Case No. 147/2002 is filed before Hon'ble High Court and Supreme Court. So, he was unable to attend the Court. Hence, prayed for cancellation of non-bailable warrant.

2. Ld. Spl.PP. filed say and strongly objected the application. It is contended that the case is of 21 years old and accused is avoiding to appear before the Court. There is no any sufficient reason to cancel NBW and prayed for rejection of the application.

3. Perused the application. It appears that Crime bearing No. 97/2002 is registered against the present accused under Sections 406, 420 r/w S.34 of IPC. In the present case, trial of this accused was separated as per Criminal Application No. 628 of 2014 of Hon'ble High Court. Therefore, trial was conducted against other accused. Court has already delivered the judgment. Now, the case is pending against the present accused since long time. The chargesheet is of the year 2002. Moreover, the matter is made time-bound by the Hon'ble High Court. Therefore, it is necessary to frame the charge against the present accused. So, his presency is necessary before this Court. The fact of the cited case laws by the accused are different from the case in hand. Hence, not helpful to the accused. Therefore, there is no substance in the application filed by the

accused for cancellation of non-bailable warrant in his absence. Hence, application is hereby rejected, subject to costs of Rs.2,000/- to be deposited in District Legal Services Authority, Nagpur.

Nagpur.

Date : 13/06/2024

**(A.A. Dhumkekar)**  
2<sup>nd</sup> Addl. Chief Judicial Magistrate  
Nagpur.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file of order are same word to word as per original order.

Name of Stenographer : G.A. Joshi (Grade-I).