

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. _____ **OF 2026**
DIST. : WARDHA
Sanjay Hariram Agrawal. **....PETITIONER**

VERSUS

The State Of Maharashtra **...RESPONDENTS**

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PLACE : NAGPUR

DATE : 23/08/2026.


ADVOCATES FOR APPLICANT.

I

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. _____ OF 2026

DIST. : WARDHA

Sanjay Hariram Agrawal.

....PETITIONER

VERSUS

The State Of Maharashtra

...RESPONDENTS

SYNOPSIS

SR.NO.	DATES	PARTICULARS
1	2002	That, the Petitioner is original Accused No.1 in R.C.C. No.573/2002 pending before the Learned CJM, Wardha, for offences under Sections 406 and 420 of IPC.
2	2026	That, considering his age of 68 years, medical condition and several overlapping Court proceedings, the Petitioner filed Exh. 986 seeking exemption from personal appearance and Exh. 1051 seeking permission to participate through Video Conferencing. Both applications were rejected.
3	27.7.26	That, the Petitioner was required to attend another proceeding at Nagpur and, therefore, could not remain personally present at Wardha. His Advocate was present before the Trial Court. However, the Learned CJM issued

		Non-Bailable Warrant against the Petitioner.
4	27.7.26	That, the Petitioner immediately filed Exh. 1079 under Section 72(2) of BNSS, 2023, seeking cancellation/recall of the NBW, pointing out that his absence was bona fide and due to an unavoidable overlapping Court proceeding.
5	10.8.26	That, the Learned CJM, Wardha rejected Exh. 1079 and refused to cancel the NBW, despite the Petitioner's Advocate being present and the Petitioner's inability to attend the Wardha Court being bona fide.
6		Hence this Criminal Writ Petition

POINTS TO BE CONSIDERED :-

- 1] Whether issuance and continuation of the NBW, in the facts of the present case, is justified when the Petitioner's absence was bona fide and due to an overlapping Court proceeding?
- 2] Whether the order dated 10.08.2026 rejecting cancellation of the NBW is sustainable in law?
- 3] Whether the Petitioner deserves permission to participate in the trial through Video Conferencing considering his age, medical condition and unavoidable overlapping proceedings?

III

ACT AND RULES :

- 1] BHARTIYA NAGRIK SURAKSHA SAHITA, 2023.
- 2] BHARTIYA NYAYA SAHITA, 2023.
- 3] CRIMINAL PROCEDURE CODE
- 4] INDIAN PENAL CODE

AUTHORITIES :-At present Nil.

PLACE : NAGPUR
DATE :23/08/2026.



ADVOCATES FOR APPLICANT.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,**BENCH AT NAGPUR****CRIMINAL WRIT PETITION NO. _____ OF 2026****DIST. : WARDHA**

IN THE MATTER OF ARTICLE 227 OF
THE CONSTITUTION OF INDIA READ
WITH SECTION 528 OF THE
BHARATIYA NAGARIK SURAKSHA
SANHITA, 2023 / SECTION 482 OF
THE CODE OF CRIMINAL
PROCEDURE, 1973.

AND

IN THE MATTER OF IMPUGNED
ORDER DATED 10.08.2026 PASSED
BY LEARNED CHIEF JUDICIAL
MAGISTRATE, WARDHA BELOW
EXH. 1079 IN R.C.C. NO. 573/2002.

AND

IN THE MATTER OF ORDER DATED
ON 23.07.2026 PASSED BY THE
LEARNED CJM, WARDHA PASSED
ON EXH. 986, SEEKING PERMANENT
EXEMPTION FROM PERSONAL
APPEARANCE & IN THE MATTER OF
ORDER DATED ON 23.07.2026
PASSED BY THE LEARNED CJM,
WARDHA PASSED ON EXH. 1051,
SEEKING PERMISSION TO APPEAR

Received Copy

[Signature]
24/8/26
Clerk to G P

NOTARIAL REG.ENTRY NO 5173DATE 21/08/2026

AND PARTICIPATE IN THE TRIAL
PROCEEDINGS THROUGH VIDEO
CONFERENCING

1] Sanjay Hariram Agrawal,
Age: 68 Years, Occ: Business,
Presently Residing at: Kolkata,
West Bengal.

... PETITIONER

(Orig. Accused No. 1)

VERSUS

1] The State of Maharashtra,
Through Police Station Officer,
City Police Station, Wardha,
District Wardha,

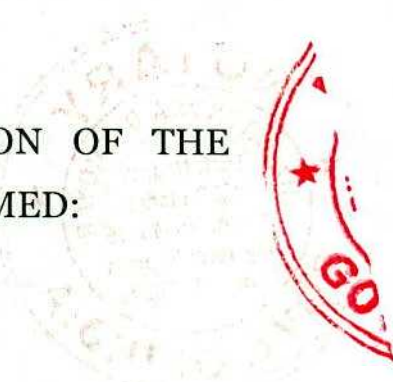
.... RESPONDENT

(Copy to be Served on the Public Prosecutor at
Bombay High Court Bench At Nagpur)

TO,

THE HON'BLE THE CHIEF JUSTICE AND
OTHER PUISNE JUDGES OF THE
HON'BLE HIGH COURT OF JUDICATURE
AT BOMBAY, BENCH AT NAGPUR.

THE HUMBLE PETITION OF THE
PETITIONER ABOVENAMED:



MOST RESPECTFULLY SHOWETH AS FOLLOWS :-

1] The petitioner submits that, the Petitioner is a peace-loving and law-abiding citizen of India, presently arraigned as Accused No. 1 in Regular Criminal Case (R.C.C.) No. 573 of 2002. This case arises out of an FIR registered for alleged offences punishable under Sections 406 and 420 of the Indian Penal Code, 1860 (IPC). The said trial has been pending adjudication before the Court of the Ld. Chief Judicial Magistrate (CJM), Wardha, during which time the Petitioner has continuously subjected himself to the jurisdiction of the Court.

2] The petitioner submits that, by way of the present Criminal Writ Petition, seeks to invoke the extraordinary supervisory jurisdiction of this Hon'ble Court under Article 227 of the Constitution of India, read with the inherent powers vested in the High Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) [which corresponds entirely to Section 482 of the erstwhile Code of Criminal Procedure, 1973 (Cr.P.C.)].

3] The petitioner submits that, Petitioner is aggrieved by the impugned order dated 10.08.2026 passed by the Ld.



CJM, Wardha, below Exh. 1079 in R.C.C. No. 573/2002. By this order, the Ld. Trial Court summarily rejected the Petitioner's application seeking the cancellation of a Non-Bailable Warrant (NBW) that had been issued against him on 27.07.2026. This refusal directly infringes upon the Petitioner's fundamental right to life and personal liberty as guaranteed under Article 21 of the Constitution of India, rendering his continued liberty subject to an unlawfully sustained warrant of arrest.

4] The petitioner submits that, Petitioner is a senior citizen, aged 68 years, who suffers from chronic age-related medical ailments, prominently including severe asthma. These conditions severely restrict his mobility and render constant, travel harmful to his health. The Petitioner permanently resides in Kolkata, West Bengal, which is situated at a considerable long distance from the jurisdictional courts in Maharashtra where these proceedings are pending. The Petitioner is currently involved in a complex web of litigation, concurrently facing over 20 criminal trials across various districts in India. The petitioner submits that, within the State of Maharashtra alone, the Petitioner has matters actively pending in the judicial districts of Mumbai, Nagpur, Wardha, and Osmanabad (Dharashiv). The volume of these cases, coupled with the



uncoordinated scheduling mechanisms of district courts, has resulted in a severe logistical crisis by continually overlapping court dates. The petitioner submits that, to demonstrate the absolute physical impossibility of compliance, the Petitioner respectfully brings to the attention of this Hon'ble Court a meticulous analysis of the overlapping date combinations for the period spanning January to July 2026. During this brief seven-month window, there were numerous instances where the Petitioner was required to be physically present simultaneously in different cities. A perusal of the court matter data annexed at Exhibit-A reveals there are several overlapping dates. The crisis reached its peak in the month of July 2026. The data demonstrates that in July 2026 alone, the Petitioner had overlapping matters on 19 separate dates across these four cities. On the specific date culminating in the present impugned action, i.e., dated 27.07.2026, the Petitioner had matters listed concurrently in the courts of Nagpur, Wardha, and Osmanabad. The copy of list prepared by the petitioner in respect of the dated and matters faced by the petitioner is annexed herewith and marked as **Exhibit-A.**

5] The petitioner submits that, to respect the judicial process, maintain the dignity of the Court, and ensure that the



trial in R.C.C. No. 573/2002 was not protracted due to his inability to physically travel, the Petitioner filed two substantive applications before the Ld. CJM, Wardha, on 23.07.2026. The petitioner submits that, an application Exh. 986, seeking permanent exemption from personal appearance. This application detailed the Petitioner's medical grounds, his advanced age, his permanent residence in Kolkata, and the absolute impossibility of physically attending over 20 nationwide criminal cases. The petitioner submits that, petitioner filed an application Exh. 1051, seeking permission to appear and participate in the trial proceedings through Video Conferencing. In this application, the Petitioner placed specific reliance on the Bombay High Court Rules for Video Conferencing for Courts, 2022 (published in the Maharashtra Government Gazette and operating since 29.12.2024). The Petitioner also cited the persuasive judgment of the Hon'ble Rajasthan High Court in Vikram Singh Indori v. State of Rajasthan, which judicially recognizes the physical impossibility of an accused being present at multiple locations simultaneously and validates video conferencing as a lawful remedy under Section 273 of the Cr.P.C..



6] The petitioner submits that, on 23.07.2026, the Ld. CJM, Wardha, rejected both applications with reasoning that indicates a distinctly hostile approach to the Petitioner's predicament. Exh. 986 (permanent exemption) was rejected on the rationale that the case involved serious economic offences pending since long, and that granting a permanent exemption would equate to allowing a "trial by proxy," which the Court deemed against public policy. The petitioner submits that, even Exh. 1051 (the Video Conferencing application) was rejected on a purely hyper-technical, procedural ground. The Ld. Magistrate acknowledged that the Petitioner was well-versed in the Video Conferencing Rules, but dismissed the application solely because the Petitioner had inadvertently failed to physically annex the "Schedule-II Request Form" mandated under the said rules rather than allowing the Petitioner an opportunity to cure this minor procedural defect to facilitate the trial, the Ld. Court outrightly rejected the application, attributing a motive of delay to the Petitioner. The Court subsequently passed an order directing the Petitioner to remain physically present on the next date, i.e., 27.07.2026 at 11:00 AM. The Copy of order dated 23.07.2026 passed by the learned CJM, Wardha passed on Exh. 986, seeking permanent



exemption from personal appearance & Copy order dated 23.07.2026 passed by the learned CJM, Wardha passed on Exh. 1051, seeking permission to appear and participate in the trial proceedings through video conferencing are annexed herewith and marked as **Exhibit-B.**

7] The petitioner submits that, On 27.07.2026, Petitioner was legally compelled by prior summons to attend a different, overlapping criminal trial in the Court at Nagpur, rendering his physical presence in Wardha an absolute physical impossibility. Despite this, the Petitioner did not abandon the proceedings. His Advocate was physically present before the Ld. CJM, Wardha, during the morning session and earnestly attempted to orally apprise the Court of the overlapping commitments in Nagpur. However, the Ld. CJM adopted an inflexibly rigid stance. Because a formal, written exemption application had not been drafted and placed on record by the arbitrary deadline of 1:00 PM, the Ld. CJM, noting the presence of Investigating Officer (I.O.), hastily passed an order at 1:14 PM issuing a Non-Bailable Warrant against the Petitioner. The copy of order dated 27.07.2026, passed by the learned CJM, Wardha, is annexed herewith and marked as **Exhibit-C.**



8] The petitioner submits that, the Petitioner immediately filed an application (Exh. 1079) under Section 72(2) of the BNSS, 2023 (corresponding to Section 70(2) of the Cr.P.C.) seeking the cancellation and recall of the NBW. In the said application, the Petitioner explicitly pleaded and demonstrated, that his absence was neither wilful, deliberate, nor intended to stall the trial, but a direct, unavoidable consequence of a clash in the judicial docket requiring his mandatory presence in Nagpur. That the issuance of an NBW is an extreme measure of last resort, and his bona fides were self-evident from his proactive attempt just days prior to secure Video Conferencing access. That as per the settled law laid down by the Hon'ble Bombay High Court in Arunkumar N. Chaturvedi v. State of Maharashtra & Anr. (Cri. W.P. No. 4429/2013), an accused is definitively not required to be physically present for the adjudication of an application seeking the cancellation of an NBW. The petitioner submits that, Petitioner annexed an order passed by the Hon'ble Bombay High Court (Bench at Aurangabad) dated 08.04.2026 in Criminal Revision Application No. 128 of 2026 (Sanjay Hariram Agrawal v. State of Maharashtra). In that identical scenario, where an NBW had been issued against the Petitioner



by a trial court in Osmanabad due to overlapping dates, the coordinate bench this Hon'ble Court took cognizance of the impossibility and directed that "no coercive action shall be taken against the applicant". The copy of application Exh. 1079, is annexed herewith and marked as **Exhibit-D.**

9] The petitioner submits that, notwithstanding the binding precedents of the Hon'ble Supreme Court, the specific protective order passed in favor of the Petitioner in a parallel matter, and the evident physical impossibility of the situation, the Ld. CJM, Wardha, vide the impugned order dated 10.08.2026, rejected the application for cancellation of the NBW. The Ld. Court erroneously reasoned that since the I.O. was present and the case is chronologically old, the Petitioner's absence—despite his advocate's presence and the overlapping date in Nagpur—was obstructive. The Court further misdirected itself in law by holding that the facts of the present case were "different" from the precedents cited, and penalized the Petitioner for not filing the exemption application prior to the 1:14 PM deadline on 27.07.2026. The copy of order dated 10.08.2026, passed by the Learned CJM on Exh. 1079, is annexed herewith and marked as **Exhibit-E.**



10] The petitioner submits that, Petitioner, facing an imminent threat to his personal liberty due to issuance of NBW and rejection of application seeking cancellation of NBW, is left with no other alternate, efficacious remedy but to approach this Hon'ble Court to challenge the issuance and subsequent refusal to cancel the NBW. The petitioner being aggrieved by the impugned orders dated 23.07.2026, passed by the learned CJM, Wardha passed on Exh. 1051, seeking permission to appear and participate in the trial proceedings through video conferencing and being aggrieved by order dated 27.07.2026, i.e. issuance of NBW and order dated 10.08.2026, passed by the Learned CJM on Exh. 1079, refusing to cancel the NBW, on the following among other grounds, which are taken in the alternative and without prejudice to one another : -

GROUND

- i. The Ld. Trial Court completely failed to appreciate the settled position of law regarding the issuance of Non-Bailable Warrants. It is a well-established that the issuance of an NBW constitutes a severe and direct infringement upon an individual's fundamental right to life and personal liberty under Article 21 of the



Constitution of India. In the landmark judgment of *Inder Mohan Goswami v. State of Uttaranchal* (2007) 12 SCC 1, the Hon'ble Apex Court categorically held that civilized countries recognize liberty as the most precious of all human rights, and courts must be extremely careful before issuing non-bailable warrants. The Supreme Court explicitly stipulated that NBWs should only be issued when it is reasonable to believe that the person will not voluntarily appear in court, that police cannot serve a summons, or that the person poses a threat. None of these conditions exist in this matter and as such issuance of NBW is totally contrary to law and subsequent rejection of application seeking cancellation of NBW, is required to quashed and set aside.

- ii. The learned Trial Court has failed to consider that, petitioner has continuously contested the matter since 2002. Furthermore, in *Vikas v. State of Rajasthan* (2014) 3 SCC 321 and *Satender Kumar Antil v. CBI* (2022) 10 SCC 51, the Supreme Court reiterated the sequential procedure: summons, followed by bailable warrants, and only upon deliberate failure, an NBW.



The Ld. CJM bypassed this sequential mandate, escalating directly to issuance of NBW simply because a written exemption application was delayed, despite the Petitioner's counsel being present. This action fails the test of judicial necessity required to curtail a citizen's liberty.

- iii. The impugned order dated 23.07.2026, 27.07.2026 & 10.08.2026 is vitiated by its failure to recognize the absolute physical impossibility of the Petitioner's presence and the fact that the Petitioner was bound by judicial summons to be present before a competent Court in Nagpur. It is a physical and impossibility for the Petitioner to concurrently present himself before the Ld. CJM at Wardha at 11:00 AM. Penalizing the Petitioner by rejecting the application seeking appearance through video conferencing and issuing NBW for failing to accomplish a physical impossibility constitutes a grave miscarriage of justice and an abuse of the court's process. The overlapping trial dates is an issue and same is not a deliberate and is no intention of the accuse avoid the court proceedings.



- iv. The Ld. Trial Court committed an error of judicial discipline by failing to appreciate the broader judicial consensus regarding the Petitioner's difficulty. The petitioner respectfully draws the attention of this Hon'ble Court to a recent, explicit order passed by the Hon'ble Supreme Court of India in Special Leave Petition (Crl.) Nos. 10625-10626/2024 (The Osmanabad District Central Co-operative Bank Ltd. v. The State of Maharashtra & Ors.). Vide order dated 03.08.2026, a Division Bench of the Hon'ble Supreme Court, while dealing with matters inextricably linked to the Petitioner and his co-accused, directed: "It is well open to the Trial Court to dispense with the presence of the accused persons". This apex directive unequivocally affirms the trial courts' discretionary power to grant exemptions to the Petitioner and rigid insistence on physical surrender to recall an NBW. By ignoring the spirit of this Supreme Court directive, the Ld. CJM has failed to exercise the power vested in it. The copy of order dated 3.08.2026, is annexed herewith and marked as **Exhibit – F.**



- v. The Ld. Trial Court committed an error in law by insisting on the physical presence of the Petitioner for the cancellation of the NBW, and by and not considered the binding ratio of the Hon'ble Bombay High Court in Arunkumar N. Chaturvedi v. State of Maharashtra &Anr. (Cri. W.P. No. 4429/2013). It has been unequivocally settled by the Hon'ble Bombay High Court that there is no statutory mandate requiring an accused to be physically present in court to seek the cancellation of an NBW under Section 70(2) of the Cr.P.C. [now Section 72(2) of the BNSS]. The Ld. CJM's attempted to distinguish this precedent in paragraph 12 of the impugned order, by merely stating that the facts of the present case are "different" because Arunkumar judgment was under Section 138 NI Act, and lacks any substantive legal reasoning. The principle regarding the power to recall a warrant through counsel remains consistent across statutes. The Petitioner's Advocate was present and willing to proceed; thus, the refusal to recall the warrant solely based on the Petitioner's physical absence is legally untenable.



vi. The Ld. CJM, Wardha, completely ignored the coordinate bench order passed by the Hon'ble Bombay High Court (Bench at Aurangabad) in the Petitioner's own case under identical circumstances. Vide order dated 08.04.2026 in Criminal Revision Application No. 128 of 2026 (Sanjay Hariram Agrawal v. State of Maharashtra), the Hon'ble Court observed that the Petitioner was "bonafidely unable to appear before the trial court when the matter was called out" due to attending another court proceeding. In that matter, the Hon'ble Court explicitly relied on Arunkumar N. Chaturvedi to grant interim protection, directing that no coercive action be taken against the Petitioner. The Ld. Trial Court's refusal to apply the same judicial reasoning to an identical factual matrix occurring on 27.07.2026, on the perverse finding that the petitioner was granted permanent exemption from appearance in that matter however failed to consider that the order passed by the Hon'ble Apex Court is subsequent in point of time and while granting protection by this Hon'ble Court at Aurangabad that order was not in existence, and this demonstrates an perverse, arbitrary



and discriminatory application of the law. The copy of order dated 08.04.2026 in Criminal Revision Application No. 128 of 2026, is annexed herewith and marked as **Exhibit – G.**

vii. The Learned Trial Court failed to consider that, Section 72(2) of the BNSS, 2023 (formerly Section 70(2) of the Cr.P.C.) explicitly provides that a warrant remains in force until it is cancelled by the Court which issued it, or until it is executed. The legislative intent behind this provision is to allow courts the discretion to recall warrants upon being satisfied that the accused's absence was backed by a bona fide cause, thus restoring the regular process without unnecessary incarceration. The Ld. CJM, Wardha, failed to exercise this jurisdiction judiciously. The Ld. Court failed to consider that while the expeditious disposal of old case is a laudable objective, but it cannot be achieved by sacrificing the procedural and fundamental rights of the accused through the mechanical enforcement of an NBW.

viii. The entire genesis of the NBW traces back to the Ld. CJM's hyper-technical and unreasonable rejection of



the Petitioner's application for Video Conferencing (Exh. 1051) on 23.07.2026. The Ld. Court acknowledged that the Petitioner had detailed the Bombay High Court Rules for Video Conferencing for Courts, 2022 and had cited relevant high court judgments which specifically address the impossibility of simultaneous appearances in two or more courts. However, the Ld. Court dismissed the application merely because the Petitioner failed to annex the physical "Schedule-II Request Form". Procedural law is the handmaid of justice; rejecting a substantive application on a curable procedural defect, and subsequently utilizing that rejection to force a physically impossible appearance and issue an NBW, reflects a punitive rather than a restorative judicial approach. Had the Video Conferencing application been allowed, the events of 27.07.2026 would have been entirely avoided.

- ix. The Ld. Trial Court, in the impugned order dated 10.08.2026, erroneously held that the Petitioner is employing dilatory tactics to prolong the 24-year-old case. The Court cited dates in 2025 and 2026 where



exemption applications were granted. However, the Court failed to appreciate that these exemptions were necessitated entirely by the overlapping dates in courts across Mumbai, Nagpur, and Osmanabad. A systemic scheduling conflict of dates cannot be weaponized to accuse the Petitioner of intentional delay. The Petitioner's willingness to attend cross-examine witnesses via Video Conferencing unequivocally rebuts any presumption of stalling the proceedings.

- x. That the impugned orders suffer from a total non-application of judicial mind and are contrary to the principles of natural justice and the statutory provisions of the BNSS, 2023 / Cr.P.C., 1973.
- xi. That the Ld. Trial Court has exercised its jurisdiction with material irregularity, thereby causing grave prejudice and irreversible hardship to the Petitioner.
- xii. That the reasoning adopted by the Ld. CJM in the impugned order is perverse, speculative, and based on surmises and conjectures regarding the Petitioner's intent, while blatantly ignoring the documentary evidence of his presence in the Nagpur Court.



xiii. That if the impugned order dated 10.08.2026 is not immediately quashed and the warrant recalled, the Petitioner, who is a senior citizen with medical ailments, faces an imminent threat of arrest and unjustified detention. Such an eventuality would cause an unquantifiable loss to his personal reputation, liberty, and physical health, effectively punishing him for a scheduling conflict beyond his control.

11] The Petitioner craves leave to add, amend or alter the ground of Writ Petition if and when necessary.

12] The Petitioner had not received with any notice of caveat so far.

13] That the petitioner undertakes to supply the English translation of Marathi documents as and when directed by this Hon'ble Court.

14] The Petitioner have not filed any other or similar appeal in the Supreme Court of India or in any other Court touching the subject matter of this application.

15] **IT, IS THEREFORE, PRAYED THAT :-**



- A. The present Criminal Writ Petition may kindly be allowed.
- B. That impugned order dated 10.08.2026 passed Learned Chief Judicial Magistrate passed below Exh. 1079 in Regular Criminal Case (R.C.C.) No. 573 of 2002, may kindly be quashed and set aside and application below Exh. 1079 may kindly be allowed and unconditionally cancel/recall the Non-Bailable Warrant (NBW) issued against the Petitioner and Consequently, be pleased to quash and set aside the order dated 27.07.2026 passed below Exh. 1 in R.C.C. No. 573 of 2002 by the Ld. Chief Judicial Magistrate, Wardha ;
- C. That, the impugned order dated 23.07.2026 passed by the learned CJM, Wardha on Exh. 1051, in R.C.C. No. 573 of 2002, may kindly quashed and set aside and the Application Exh.. 1051, filed by the petitioner seeking permission to appear and participate in the trial proceedings through video conferencing, may kindly be allowed.
- D. Pending the hearing and final disposal of this Criminal Writ Petition, the execution and operation of the Non-



Bailable Warrant issued against the Petitioner vide order dated 27.07.2026 in R.C.C. No. 573 of 2002, be stayed and suspended and direct the Respondent authorities that no coercive action be taken against the Petitioner;

- E. Direct the Ld. Chief Judicial Magistrate, Wardha, to permit the Petitioner's Advocate to represent him and to permit the Petitioner to participate in the trial proceedings, including the recording of evidence, through Video Conferencing as per the Bombay High Court Rules for Video Conferencing for Courts, 2022;
- F. In the Meanwhile Ad-interim relief in terms of prayer clause D & E may kindly be granted.
- G. Pass any other and further orders as this Hon'ble Court may deem fit and proper in the interest of justice, equity, and good conscience.

AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

PLACE: Nagpur

DATE: ____ .08.2026


ADVOCATE FOR PETITIONER



-23-



VERIFICATION

I, Sanjay Hariram Agrawal, Age: 68 Years, Occ: ~~Business~~,
Presently Residing at: Kolkata, West Bengal, the Petitioner
abovenamed, do hereby state on solemn affirmation that the
contents of from paragraph No. 1 to 15, grounds No. i to xvi and
prayer clause no. 15 A to 15 G, are explained to me in English and
same are true and correct to the best of my knowledge and belief.

Hence, verified on this day of 21st August 2026, at

Nagpur.

Explained and

Identified by :

S. Agrawal

DEPONENT.

Sanjay Hariram Agrawal

Advocate

SWORN BEFORE ME ON THIS 21st THE
DAY OF August 2026 AT NAGPUR BY
SHRI/SMT/KU. Sanjay Hariram
Agrawal
NAGPUR WHO HAS BEEN IDENTIFIED
BY SHRI/SMT. Vivek Dange Adv.
ADVOCATE, NAGPUR.

BHARATENDRA D. BHOYAR
NOTARY
NAGPUR DIST. (M.S.) INDIA



-24-

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. _____ **OF 2026**

DIST. : WARDHA

Sanjay Hariram Agrawal.

...PETITIONER

VERSUS

The State Of Maharashtra

...RESPONDENTS

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LAST PAGE NO.			

PLACE : NAGPUR

DATE : 23/08/2026.


ADVOCATES FOR APPLICANT.

-25-

Ann-A**OVERLAPPING DATE COMBINATIONS**

Mumbai, Nagpur, Wardha and Osmanabad | January-July 2026

COMBINATION	OVERLAPPING DATES (MONTH-WISE)	TOTAL
Mumbai + Nagpur	January: 27-Jan, 30-Jan February: 03-Feb, 06-Feb April: 01-Apr, 02-Apr, 08-Apr, 10-Apr, 16-Apr, 17-Apr, 20-Apr, 24-Apr, 30-Apr May: 02-May, 04-May, 06-May, 14-May, 21-May June: 11-Jun, 19-Jun July: 01-Jul, 14-Jul	22
Mumbai + Osmanabad	January: 06-Jan, 22-Jan, 27-Jan, 30-Jan February: 13-Feb, 24-Feb, 26-Feb March: 05-Mar, 13-Mar, 17-Mar, 18-Mar, 30-Mar April: 10-Apr May: 04-May June: 10-Jun, 16-Jun, 19-Jun, 24-Jun, 25-Jun July: 01-Jul, 02-Jul, 08-Jul, 09-Jul, 14-Jul, 15-Jul, 16-Jul, 22-Jul, 23-Jul, 24-Jul, 29-Jul	30
Mumbai + Wardha	January: 22-Jan February: 05-Feb, 26-Feb March: 05-Mar, 30-Mar April: 09-Apr, 20-Apr, 24-Apr May: 04-May, 08-May, 21-May June: 04-Jun, 25-Jun July: 02-Jul, 09-Jul, 16-Jul, 23-Jul	17
Nagpur + Wardha	April: 06-Apr, 20-Apr, 24-Apr May: 04-May, 18-May, 21-May June: 01-Jun, 08-Jun, 15-Jun, 29-Jun July: 18-Jul, 27-Jul	12
Nagpur + Osmanabad	January: 27-Jan, 30-Jan April: 06-Apr, 10-Apr May: 04-May June: 15-Jun, 19-Jun, 20-Jun, 29-Jun July: 01-Jul, 03-Jul, 07-Jul, 14-Jul, 18-Jul, 21-Jul, 27-Jul	16
Osmanabad + Wardha	January: 22-Jan February: 17-Feb, 26-Feb March: 05-Mar, 30-Mar April: 06-Apr, 27-Apr May: 04-May June: 15-Jun, 18-Jun, 22-Jun, 25-Jun, 29-Jun July: 02-Jul, 06-Jul, 09-Jul, 13-Jul, 16-Jul, 18-Jul, 20-Jul, 23-Jul, 27-Jul	22

Basis: A date is included when every location in the stated combination has at least one listed matter on that date.

MULTI-COURT OVERLAPPING DATES

Three-city and four-city combinations | January-July 2026

Dates on which all courts named in the combination had at least one listed matter.

COMBINATION	OVERLAPPING DATES (MONTH-WISE)	TOTAL
Mumbai + Wardha + Osmanabad	January: 22-Jan February: 26-Feb March: 05-Mar, 30-Mar May: 04-May June: 25-Jun July: 02-Jul, 09-Jul, 16-Jul, 23-Jul	10
Mumbai + Wardha + Nagpur	April: 20-Apr, 24-Apr May: 04-May, 21-May	4
Mumbai + Osmanabad + Nagpur	January: 27-Jan, 30-Jan April: 10-Apr May: 04-May June: 19-Jun July: 01-Jul, 14-Jul	7
Mumbai + Wardha + Nagpur + Osmanabad	May: 04-May	1

Note: The four-city overlap on 04-May is also included within each applicable three-city combination because all named courts were listed on that date.

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 (C.F.P.)

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Ann-B

RCC No.573/2002
State Vs. Sanjay Agrawal and
Ors.
Exh.No.986
CNR No.MHWR030003432002

Order below Exh.986
(dt.23.07.2026)

Accused No.1 filed this application for grant of permanent exemption wherein he has submitted before Court that accused no.1 facing present matter U/s.406, 420 of IPC. That the present crime is registered against accused in the year 2002. Since then accused no.1 conducting present case he has submitted that accused is facing more than 20 criminal matters in different Courts of India.

2) It is submitted that accused is currently residing at Kolkata and he is old age person and suffering from old age disease. The accused is facing number of criminal cases therefore it is not possible for accused no.1 to present each Court date personally he is residing far away from Wardha. Therefore, Sometimes it is not possible for accused to reach Court date on fixed date. The accused undertakes that he shall not misuse liberty given to him and present before Hon'ble Court when required. The accused undertakes to abide all terms and condition imposed by this Hon'ble Court, therefore, this Hon'ble Court pleased grant permanent exemption to accused in the interest of justice.

3) Prosecution filed their say at Exh.986-A wherein the essential principle of criminal law is that, the trial of an offence should take place in the presence of the accused. This principle has been embodied in Section 273 of the Code of Criminal Procedure, which provides, as a general rule, that all evidence taken in the course of trial shall be taken

in presence of the accused but in certain circumstances, the court can exempt an accused from personal appearance. However, we should not forget that exemption from personal appearance is not available to an accused as a matter of right and is subject to the discretion of the Court. The Hon'ble court can exercise discretion in trivial and technical cases. Here no any difficulty to the applicant accused in reaching the Hon'ble court. The applicant/accused does not deserve the relief of permanent, exemption considering the nature of allegations, conduct of accused and as no inconvenience in personal appearance.

4) The prosecution further submit that, the Cr.P.C does not provide any enumerative list of offences where an exemption from personal appearance should be granted. It leaves within the powers of a court and judicial discretion of the courts to dispense with the personal appearance of an accused either throughout or at any stage of the proceedings based on facts and circumstances of the case. Therefore, the higher courts never held that permanent exemption should always be granted if asked for. In fact everything is left to the discretion of the court. The grant of permanent exemption as a matter of rule would result in the impression that a serious criminal case is a show in which the accused can take part by proxy merely by briefing a lawyer. That certainly is not the intention of law nor it is sound public policy.

5) The prosecution further submit that the accused have sought permanent exemption mainly on the ground that as he needs, to attend various courts in number of cases, which is not valid ground for exemption. The prosecution submits that, these are not the grounds on which permanent exemption can be granted. This cannot be termed as inconvenience in appearing before the court. While dealing with permanent exemption the seriousness of the offence is permanent

consideration. The present offence is serious. The accused has committed serious anti social economic offence which affected to the public at large, therefore considering seriousness of offence permanent exemption of accused should not be granted. The Hon'ble Supreme court in case of ***Lily Begum Versus Joy Chandra Nagabansh reported in 1994(2) SCC 39*** held that, wherein serious allegations are made against the respondent. If such a privilege, in our opinion is given to an accused in a case of this nature, people will lose their confidence in the administration of justice. The observations of above Judgement are applicable in our case as there are serious allegations of economic offence and misuse of public fund. The sections cannot be the same in cited case and case in hand. The important aspect of serious allegations is the same in both cases and if serious allegations are there then accused does not deserve privilege of permanent exemption.

6) The prosecution further submit that the accused cannot seek permanent exemption just because they will not dispute their identity during trial, their advocate will remain present on each date, and they will not seek adjournment. If these will be the reasons for getting permanent exemption there 95% accused will not be required to come in the court and proxy culture will prevail and accused will get unrestricted liberty, in spite of serious charges. In many murder and rape cases the identity is not disputed and advocates are ready to conduct the matters in absence of an accused and if we grant permanent exemption just because the identity is not disputed and that to without seeing seriousness of crime, then it would set wrong precedent. The present offence is the serious one. The presence of accused during trial is integral part of criminal justice system and no one should take it as harassment. Therefore, prosecution prayed to reject the said application.

7) Heard both the counsels. Perused entire record.

8) The accused taking repeated liberty while filing the application for exemption under section 205 of the Code of Criminal Procedure. The repeated filing of exemption application filed by the accused on the one and the other pretext that he has busy before the Hon'ble Court at Bombay and some other Courts in other cities. The applications were allowed. Now the accused came before this Court with this application for granting of permanent injunction to exempt him from the trial and he is ready to give undertaking that he shall not misuse liberty given to him.

9) But the entire record shows that the trial of the present case is pending since last 25 years and at the flag end of this trial accused filed this application for permanent exemption and not this application but he has filed another application for permission to appear before this Court through video conferencing. The accused is taking liberty for exemption to remain present before the Court, but the conduct of accused shows that he has taking liberty to remain absent before this Court on fixed dates. His counsel also not taking any pain to file an application when accused is absent before Court. Repeatedly, called the accused, thereafter, Court called his counsel and then they filed an application for exemption. Today, the detailed order passed on Exh.1. In such circumstances, it is not the privilege of the accused that he is facing number of trials in different Court and for that reason he is seeking permanent exemption from this Court. The prosecution rightly mentioned in his say the grant of permanent exemption as a matter of rule would result in the impression that a serious criminal case is a show in which the accused can take part by proxy merely by briefing a lawyer. The reason mentioned by the accused in his application that he

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has residing far away from the Court at Wardha. But he has not mentioned his permanent address in the present application nor filed any document regarding his permanent address. It is not fit to grant application when the trial is pending since 25 years and the repeated directions given by the Hon'ble Supreme Court and the Hon'ble High Court to try the matter expeditiously. In such circumstances, the application is liable to be rejected. Hence, I pass the following order -

ORDER

Application is rejected.

Place:-Wardha

Date:- 23.07.2026.

MRUNAL
YASHWANT
DOIPHODE

Digitally signed
by MRUNAL
YASHWANT
DOIPHODE
Date:
2026.07.23
17:32:30 +0530

(Smt.M.Y.Doiphode)
Chief Judicial Magistrate
Wardha.

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RCC No.573/2002
State Vs. Sanjay Agrawal and
Ors.
Exh.No.1051
CNR No.MHWR030003432002

Order below Exh.1051
(dt.23.07.2026)

Perused application and say filed by the prosecution. Heard both the counsel. The accused No.1 filed this application for grant of permission to appear through video conferencing wherein he has submitted that the accused no.1 is simultaneously facing multiple criminal trials which are pending before Court at different cities therefore it is impossible for the accused no.1 to be present before all court on the same or overlapping dates.

2) The accused no.1 relied on the citation of the Hon'ble High Court of judicature at Rajasthan ***Vikram Singh Indori and others Vs. State of Rajasthan and others***, wherein the Hon'ble High Court held that it is not feasible for the accused to be physically present at multiple location simultaneously. In the event of simultaneous proceedings, his physical absence leads to be adjournments, thereby causing unnecessary delay. It has also been noticed that, in accordance with Section 273 of the Criminal Procedure Code, there exists no legal impediment if the accused is represented by his counsel and accused no.1 requested to this court that he may be permitted to appearing through video conferencing. He has mentioned in application about the detail rules governing the conduct of video conferencing have been notifying being the Hon'ble High court of Bombay Rules video conferencing for the Court 2022, published in the Maharashtra Government Gazette and operating from 29.12.2024. From the above mentioned contents the Rule of video conferencing, the accused is very well known how to

apply and request the Court to appear before Court through video conferencing but at the same time he forgot to produce, the schedule mentioned by the Hon'ble Bombay High Court No.Rule/P/1603/2022/06 dt.04.01.2023. Wherein the facility given to the litigant to appear before the court through video conferencing but there is a responsible given in Schedule – II request form for video conferencing which is not attached with this application. Under such circumstances, it appears that, accused is very well known about the rule. But at the same time, he forgot to comply with the rules of video conferencing. Therefore, this application is filed only to extend dates to prolong the matter. Hence, application is liable to be rejected, therefore I pass the following order -

ORDER

Application is rejected.

MRUNAL
YASHWANT
DOIPHODE

Digitally signed
by MRUNAL
YASHWANT
DOIPHODE
Date: 2026.07.23
17:32:21 +0530

Place:-Wardha
Date:- 23.07.2026.

(Smt.M.Y.Doiphode)
Chief Judicial Magistrate
Wardha.

T.C
H. Singh
(C.F.P)

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RCC No.300573/2002
State Vs. Sanjay Agrawal &
Others
Exh.No.01
CNR No.MHWR030003432002

Order
(Date 27.07.2026)

As per the direction given to the accused on 23.07.2026 given to the accused No.1. He shall remain present before Court at 11.00 a.m. Accused No.1 is absent other accused No.5, 8, 11 to 13 filed their exemption application on record. I.O. is present for evidence till 01.00 p.m. accused is absent. No exemption till time. Hence, issue N.B.W against accused No.1.

Digitally
signed by
MRUNAL
YASHWANT
DOIPHODE
Date:
2026.07.27
13:14:06
+0530

Place:-Wardha
Date:- 27.07.2026.

(Smt.M.Y.Doiphode)
Chief Judicial Magistrate
Wardha.

T.C
(C.F.P.)

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IN THE COURT OF THE HON'BLE CHIEF JUDICIAL MAGISTRATE,
WARDHA

RCC.No. 573 of 2002

State of Maharashtra

Versus

Sanjay Agrawal & Others

APPLICATION FOR CANCELLATION OF NON BAILABLE WARRANT
ISSUED AGAINST ACCUSED No.1

The Accused No.1 name above most
respectfully submit as under:-

1. That the Accused No.1 is facing trial in the present Regular Criminal Case before this Hon'ble Court. The Accused No.1 has the highest regard for the law and has continuously contested the matter through his himself and through his advocate and accused is also facing more than 20 criminal cases including present case.
2. That the present application is being filed under Section 70(2) of the Code of Criminal Procedure to respectfully request this Hon'ble Court to cancel and recall the Non-Bailable Warrant (NBW) that was issued against the Applicant on 27.07.2026.

3. The Accused No.1 humbly submits that he has never intended to disobey the orders of this Hon'ble Court or delay the trial. The Accused's genuine desire to participate is proven by his recent application (Exh. 1051) requesting permission to appear through Video Conferencing. Although this Hon'ble Court rejected that application on 23.07.2026 because a specific procedural form (Schedule-II) was missing, the accused at the outset submits that, accused is ready to comply all the formalities as directed by this Hon'ble Court. The accused submits that, the fact that the accused applied for virtual appearance shows he is actively trying to attend the hearings, not run away from them.

4. That, on 27.07.2026, when this matter was scheduled for hearing before this Hon'ble Court in Wardha, the Accused was legally required to be personally present in another court in Nagpur for a different ongoing criminal trial, as well as one more matter was listed before the Hon'ble Bombay High Court Bench At Nagpur and applicant was required to attend that matter also.

5. Because both court hearings were scheduled on the exact same day in different cities, it was physically impossible for the Accused to be present in both places at the same

time. The Accused's absence in Wardha was strictly due to this unavoidable clash of proceedings in different cities and was not an attempt to avoid the present proceedings.

6. The Applicant's advocate was present in this Hon'ble Court on 27.07.2026 and tried to explain this situation orally. However, because a formal written application for exemption could not be prepared and submitted by 1:00 PM, this Hon'ble Court issued the NBW at 1:14 PM. The Applicant sincerely apologizes for non filing the written application, but begs the Court to consider that the absence was due to attending another court, which is a genuine legal compulsion.

7. The Accused submits that, it is settled position of law that, Non-Bailable Warrants should only be issued as a last resort. The accused submits that, on 27.07.2026, accused could not remain present before this Hon'ble for the aforesaid reason.

8. The Accused respectfully submits that, Accused be exempted from personally remaining present for filing of this application and for arguing this application in view of judgment passed by this court on 24.12.2013 in Criminal Writ Petition No.4429 of 2013 (Arunkumar N. Chaturvedi

Vs. State of Maharashtra and anr.) at Principal Seat at Bombay. The accused submits that, the accused is facing Trial Before the Hon'ble CJM, Dharashiv (Osmanabad) and therein also NBW was issued against the accused when accused was required to remain present before this Hon'ble Court, application seeking cancellation of NBW was filed by the accused before the said court but same was rejected and said order was challenged by the accused before the Bombay High Court Bench At Aurangabad and the Hon'ble Court was pleased to issue notice in the said matter and granted interim relief directing that "no coercive action shall be taken against the applicant". The copy of the judgment passed by this court on 24.12.2013 in Criminal Writ Petition No.4429 of 2013 (Arunkumar N. Chaturvedi Vs. State of Maharashtra and anr.)& copy of order dated 8/4/2026, passed by the Hon'ble Bombay High Court Bench At Aurangabad, are annexed to this application for kind perusal of this Hon'ble Court.

9. The Applicant submits that, applicant is always ready and willing to co-operate with the court process.

10. If this Hon'ble Court is pleased to cancel the NBW, the Applicant will personally remain present before this Hon'ble Court on the very next date fixed by the Court.

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11. The applicant submits that, applicant is senior citizen and if Non Bailable Warrant issued against the accused is not cancelled then Accused will suffer a severe loss of personal freedom, and face hardship. That accused is patient of astma and from last two days he is not feeling good due astma therefore he unable attained todays date and this application is filed in absence of accused.

PRAYER:- It is therefore most respectfully prayed that

- A.** Allowed present application and Non-Bailable Warrant issued against the Accused No.1 on 27.07.2026 in R.C.C. No. 573 of 2002, be cancelled and recalled;
- B.** It is respectfully prayed to allow the advocate of the Accused to argue this application without directing the Accused to be physically present today;
- C.** And or to pass any other order to protect the Accused's liberty.

Place: Wardha

Date: 10/08/2026

COUNSEL FOR ACCUSED

T.C.
Amte
(C.F.P.)

MHWR030003432002



नियमित फौजदारी खटला क्र.५७३/२००२
महा.शासन वि. संजय अग्रवाल व इतर.
नि.क्र.१०७९

आदेश नि.क्र.१०७९ वर.
(दि.१०.०८.२०२६)

आरोपी क्र.१ विरुद्ध पारीत करण्यात आलेला गैरजमानती अधिपत्राचा आदेश रद्द करण्याचा अर्ज दाखल करण्यात आला. सदरचा अर्ज हा फौजदारी संहिता कलम ७०(२) अन्वये दाखल करण्यात आला असून आरोपीची मागणी आहे की दि.२७.०७.२०२६ रोजी पारीत करण्यात आलेला गैरजमानती अधिपत्राचा आदेश मागे घ्यावा किंवा तो रद्द करण्यात यावा.

२. आरोपी क्र.१ चे म्हणणे आहे की आरोपी हा न्यायालयाच्या आदेशाचे तसेच सदर प्रकरण प्रलंबित ठेवण्याचे वर्तवणुकीचा नाही. आरोपीचे म्हणणे आहे की त्याने नि.क्र.१०५१ वर आभासी तंत्रज्ञानाद्वारे हजर होण्याचा अर्ज दाखल केला होता तो अर्ज दि.२३.०७.२०२६ रोजी नामंजुर करण्यात आला कारण त्यासोबत मा.उच्च न्यायालयाचे परीशिष्ट-२ दाखल केलेले नव्हते. आरोपीचे म्हणणे आहे की त्याने सदरच्या अर्जाने न्यायालयास दाखवून दिले की त्यास सदर प्रकरण चालवायचे आहे प्रलंबित ठेवायचे नाही.

३. आरोपीचे पुढे म्हणणे आहे की दि.२७.०७.२०२६ रोजी आरोपीचे तारीख सदरच्या न्यायालयात होती. त्या दिवशी आरोपीने न्यायालयासमक्ष हजर होणे गरजेचे होते परंतु आरोपीस नागपूर येथील न्यायालयाकडे हजर रहावे लागले तसेच त्याचे मा.मुंबई उच्च न्यायालय खंडपीठ नागपूर येथे एक प्रकरण होते. त्यामुळे त्यास तिथे हजर रहावे लागत होते.

४. आरोपीचे म्हणणे आहे की दि.२७.०७.२०२६ रोजी एकाच दिवशी दोन वेगवेगळ्या न्यायालयासमक्ष प्रकरण प्रलंबित होते त्यामुळे त्याला दोन वेगवेगळ्या न्यायालयासमक्ष हजर राहणे शक्य नव्हते त्यामुळे तो वर्धा न्यायालयासमक्ष त्याचे एक नागपूर येथील प्रकरण असल्यामुळे हजर राहू शकला नाही तेव्हा त्यास सदरचे प्रकरण

टाळाटाळ करीत असल्याचा मुद्दा नाही.

५. आरोपी क्र.१ चे पुढे म्हणणे आहे की, दि.२७.०७.२०२३ रोजी आरोपीचे वकील न्यायालयासमक्ष प्रथम सत्रात हजर होते व त्यांनी न्यायालयासमक्ष स्पष्टीकरण देण्याचे प्रयत्न केला. परंतु गैरहजेरीचा अर्ज तयार केला नाही. न्यायालयाने दुपारी १.०० पर्यंत कोणताही अर्ज आला नसल्यामुळे दुपारी १.१४ वाजता गैरजमानती अधिपत्राचा आदेश केला. त्या दिवशी आरोपी हा दुस-या न्यायालयासमक्ष हजर रहावे लागत असल्यामुळे या न्यायालयासमक्ष हजर राहू शकला नाही कारण त्याचे गैरहजेरीचे कारण हे कायदेशीर होते.

६. आरोपीचे पुढे म्हणणे आहे की कायदयाच्या दृष्टीने गैरजमानती अधिपत्र काढण्याचे शेवटचे पर्याय आहे. परंतु दि.२७.०७.२०२६ रोजी आरोपी न्यायालयासमक्ष हजर राहू शकला नाही कारण त्याला दुस-या न्यायालयामध्ये हजर रहावे लागत होते. आरोपीचे म्हणणे आहे की मा.उच्च न्यायालयाचे क्रिमीनल रिट पिटीशन ४४१९/२०१३ ची प्रत त्याने दाखल केलेली आहे. ज्यामध्ये ३० मार्च २०२६ रोजी आरोपी वर्धा न्यायालयात हजर होता व उस्मानाबाद न्यायालयाने त्याचे विरुद्ध गैरजमानती अधिपत्र काढले व आरोपी विरुद्ध गैरजमानती अधिपत्र रद्द करण्याचा अर्ज त्याच दिवशी दाखल केला तो अर्ज न्यायालयाने नाकारला म्हणून मा.उच्च न्यायालय, औरंगाबाद खंडपीठ यांनी अंतरीम स्थगिती दिलेली होती. त्याची प्रत आरोपीने दाखल केलेली आहे.

७. आरोपीचे पुढे म्हणणे आहे की आरोपी सदर प्रकरणात न्यायालयास सहाकार्य करण्यास तयार आहे. आरोपी स्वतः न्यायालयासमक्ष हजर राहण्यास तयार आहे परंतु आरोपीविरुद्धचा गैरजमानती अधिपत्र रद्द न केल्यास आरोपीचे नुकसान होत असून त्याचे स्वातंत्र्य हिरावून घेतल्या जाणार आहे.

८. आरोपीचे पुढे म्हणणे आहे की तो अस्थमा सारख्या आजाराने पिडीत आहे. त्याला वारंवार एका शहरातून दुस-या शहरात जावे लागत असल्यामुळे तो सतत आजारी राहतो म्हणून तो आज आराम करीत असल्यामुळे न्यायालयासमक्ष हजर राहू शकत नाही. त्यामुळे सदरचा अर्ज आरोपीचे गैरहजेरीत मंजूर करून त्याचे विरुद्ध पारीत करण्यात आलेला गैरजमानती अधिपत्र रद्द करण्यात यावे.

९. सदर अर्जावर सरकार पक्षाने त्यांचा जबाब दिला असून अर्जास प्रखर विरोध दर्शविलेला आहे. आरोपीचे हजेरीत सदर प्रकरण प्रत्येक तारखेत चालविणे गरजेचे आहे. आरोपी गैरहजर राहतो त्यामूळे प्रकरण पुढे चालू शकत नाही त्यामूळे न्यायालयाने दि. २७.०७.२०२६ रोजी आरोपी क्र. १ विरुद्ध गैरजमानती अधिपत्र जारी केलेले आहे.

१०. असे कळले आहे की ३१.०७.२०२६ रोजी आरोपी क्र. १ हा वर्धा न्यायालयाचे परीसरात हजर होता परंतु त्याने गैरजमानती अधिपत्र रद्द करण्याचा अर्ज दिला नाही. त्यामूळे आरोपी हा केवळ प्रकरण हेतुपुरस्सर प्रलंबित करण्याचे वर्तवणुकीचा असल्याचे दिसून येते.

११. सरकार पक्षाचे पुढे म्हणणे आहे की अर्जातील कारण मान्य करण्याजोगे नाही. गैरजमानती अधिपत्र जारी केले त्यादिवशी आरोपी क्र. १ किंवा त्याचे वकील न्यायालयासमक्ष हजर नव्हते. आरोपीच्या अर्जातील कारणाप्रमाणे तो दुस-या न्यायालयासमक्ष व्यक्तीशः हजर होता यावरून असे दिसून येते की आरोपी क्र. १ हा या न्यायालयासमक्ष व्यक्तीशः हजर होवू शकत नाही जेणेकरून प्रकरण केवळ प्रलंबित रहावे.

१२. आरोपीने दिलेले **मा. मुंबई उच्च न्यायालयाचे अरुण कुमार वि. स्टेट ऑफ महाराष्ट्र** या न्यायनिर्णयाचे निकष हे कलम १३८ परक्राम्य लेख कायदयाअन्वये दाखल झाले होते त्यामूळे त्या प्रकरणाची कथन व परीस्थीती या न्यायालयासमक्ष असलेल्या प्रकरणापेक्षा वेगळी आहे. तसेच आरोपीने दाखल केलेले **संजय अग्रवाल वि. स्टेट ऑफ महाराष्ट्र** यामध्ये मा. सर्वोच्च न्यायालयाने आरोपीस कायमस्वरूपी गैरहजेरी मंजूर केली होती. त्यामूळे वरील दोन्ही प्रकरणांचे न्यायनिर्णयाचे निकष या प्रकरणात लागू होत नाही.

१३. सरकार पक्षाचे पुढे म्हणणे आहे की आरोपी क्र. १ ने सदर अर्जामध्ये कोठेही तो या न्यायालयासमक्ष प्रत्यक्षरित्या हजर होवू शकत नाही ही परीस्थीती किंवा दस्तऐवज दाखल केलेले नाही. त्यामूळे आरोपी विरुद्धचा गैरजमानती अधिपत्र रद्द केल्यास आरोपी हा न्यायालयासमक्ष गैरहजर राहील व २४ वर्ष जुने प्रकरण प्रलंबित राहील म्हणून आरोपीचा अर्ज नामंजूर करण्यात यावा.

१४. दोन्ही पक्षाचा युक्तीवाद ऐकला. तसेच दि. २३.०७.२०२६ व २७.०७.२०२६ रोजी खालीलप्रमाणे आदेश पारीत करण्यात आले -

आदेश नि.क्र. १ वर.**(दि. २३.०७.२०२६)**

सदर प्रकरण पुराव्यासाठी असून तपास अधिकारी श्री.एस.जी.देशपांडे, वय वर्ष ७६ आज सकाळी ११.१० पासून १.३० पर्यंत न्यायालयासमक्ष हजर आहे. आरोपी क्र.१ याचा दुपारी १.३० पर्यंत वारंवार पुकारा करता गैरहजर. आरोपीचे वकील श्री.पी.ए.तांबोळी व श्री.एन.व्ही.पवार यांचा पुकारा दुपारी १.३० पर्यंत करता गैरहजर. आरोपीतर्फे के.पी.वर्मा वकीलांनी दुपारी १.३० वाजता श्री.एन.व्ही.पवार या वकीलांना बोलविणे पाठविल्यानंतर गैरहजेरीचा अर्ज दिलेला आहे. परंतु सदर अर्जात गैरहजेरीबाबत वाद नसल्याचा कोणताही मजकुर नमुद केलेला नाही. आरोपी क्र.१ हा न्यायालयासमक्ष हजर राहत नाही. आरोपीने नियुक्त केलेले वकील यांना सदर प्रकरण मा.सर्वोच्च न्यायालयाचे दिशानिर्देशाप्रमाणे मा.उच्च न्यायालयाने घातलेल्या अटीनुसार आठवड्यातील दोन दिवस ठेवण्यात येते याची माहिती आहे. परंतु ते चालविणेकामी अर्ज सुध्दा या न्यायालयासमक्ष दुपारी १.३० पर्यंत येत नाही. आरोपी क्र.१ याने या न्यायालयासमक्ष आभासी तंत्रज्ञानाद्वारे हजर राहण्याचा अर्ज दिला, परंतु मा.उच्च न्यायालयाचे परीपत्रकाप्रमाणे कोणतीही माहिती सदर अर्जासोबत दिली नाही व सदर अर्जावर युक्तीवाद करण्यास आरोपी गैरहजर आहे. आरोपीतर्फे कायमस्वरूपी गैरहजेरीचा अर्ज दाखल करण्यात आलेला आहे.

२. सदरचे प्रकरण सन २००२ पासून प्रलंबित आहे. साक्षीदार हजर असतांना आरोपी न्यायालयात हजर नसतो परंतु त्याचे गैरहजेरीचे अर्ज त्या नमुद केलेल्या कारणाचे विश्लेषण बघून मंजुर केले जातात व तपास अधिकारी यांचा पुरावा नोंदविला जातो. त्यामूळे गैरहजेरीची कायमस्वरूपी माफी सदर प्रकरण पुढे चालावे या कारणाने वेळोवेळी दिलेले अर्ज मंजुर करून प्रकरण चालवत आहे. तेव्हा कायमस्वरूपी गैरहजेरी माफी दिल्यास या न्यायालयात आरोपी क्र.१ हजर राहणार नाही व त्यामूळे सदर प्रकरण हे पुढे चालविणे हे न्यायालयास शक्य होणार नाही कारण आरोपी हा सदर प्रकरणे चालविणे कामी केवळ प्रकरण प्रलंबित कसे राहील हा हेतू ठेवून दर तारखेत वेगवेगळे अर्ज दाखल करून प्रकरण प्रलंबित ठेवतो. त्यामूळे सदर प्रकरणातील तपास अधिकारी वय वर्ष ७६ हे न्यायालयासमक्ष

तब्बल २५ वर्षांनी पुरावा देणे कामी हजर झाले आहे. त्यांची शारीरीक परीस्थीती साक्षीदाराच्या पिंज-यात सलग एक तास उभे राहून पुरावा देण्याची दिसून येत नाही. त्यामूळे प्रकरणातील त्यांचा पुरावा हा टप्प्या टप्प्याने नोंदविण्यात येत आहे. परंतु आज १.३० पर्यंत सदर प्रकरणात कोणताही अर्ज व आरोपी क्र.१ न्यायालयासमक्ष हजर नाही. तेव्हा आरोपी क्र.१ यांस आजच शेवटची संधी म्हणून त्याचा अर्ज आल्यास मंजूर करता येईल अन्यथा त्याचे विरुद्ध योग्य तो आदेश पारीत करण्यात येईल.

स्वा/-

वर्धा.

(श्रीमती एम.वाय.डोईफोडे)

दि.२३.०७.२०२६

मुख्य न्यायदंडाधिकारी, वर्धा

आदेश नि.क्र.१ वर.

(दि.२३.०७.२०२६)

सदर प्रकरणातील तपास अधिकारी वय वर्ष ७६ न्यायालयासमक्ष दुपारी २.०० वाजेपर्यंत हजर. आरोपी क्र.१ दुपारी ३.०५ पर्यंत गैरहजर. गैरहजेरीचा अर्ज ३.०५ वाजता दाखल. आरोपी याने ०३.०५ पर्यंत गैरहजेरीचा अर्ज तसेच तहकुबीचा अर्ज देण्याची तसदी घेतली नाही. तपास अधिकारी यांचा पुरावा नोंदविणे कामी आरोपी क्र.१ ची हजेरी न्यायालयासमक्ष असणे गरजेचे आहे कारण आरोपीस नैसर्गिक न्यायतत्वाचे पालन करून त्याचे हजेरी साक्ष नोंदविणे आवश्यक आहे. परंतु आरोपी यास सदर प्रकरण केवळ प्रलंबित करणे असल्यामूळे आरोपी हा साक्षीदार हजर होवूनही न्यायालयासमक्ष हजर राहत नाही. तसेच गैरहजेरीचा व तहकुबीचा अर्ज दाखल करीत नाही. आज दाखल केलेला अर्ज हा दुपारी ३.०५ वाजा दाखल केला असून तपास अधिकारी ज्येष्ठ नागरीक असल्यामूळे ते न्यायालयासमक्ष सकाळी ११.१० पासून २.०० पर्यंत हजर होते आणि दुस-या सत्रात ते त्यांचे वैयक्तीक कारणाने न्यायालयासमक्ष हजर नाहीत. अश्या परीस्थीतीत न्यायालयाची कुचंबना की जेणेकरून प्रकरण हे लवकरात लवकर निकाली काढणे आहे. परंतु आरोपी क्र.१ त्यास सहकार्य करीत नाही तेव्हा आज आरोपीने दिलेला गैरहजेरीचा अर्ज फौजदारी प्रक्रीया संहितेचे कलम २०५ अन्वये शेवटची संधी म्हणून मंजूर करण्यात आला. याची नोंद आरोपी

व त्यांचे वकीलांनी घ्यावी व पुढील तारखेस हजर न राहिल्यास योग्य तो आदेश पारीत करण्यात येईल.

स्वा/-

वर्धा.

(श्रीमती एम.वाय.डोईफोडे)

दि. २३.०७.२०२६

मुख्य न्यायदंडाधिकारी, वर्धा.

RCC No.300573/2002

State Vs. Sanjay Agrawal &
Others

Exh.No.01

Order

(Date 27.07.2026)

As per the direction given to the accused on 23.07.2026 given to the accused No.1. He shall remain present before Court at 11.00 a.m. Accused No.1 is absent other accused No.5, 8, 11 to 13 filed their exemption application on record. I.O. is present for evidence till 01.00 p.m. accused is absent. No exemption till time. Hence, issue N.B.W against accused No.1.

Sd/-

Place:-Wardha

(Smt.M.Y.Doiphode)

Date:- 27.07.2026.

Chief Judicial Magistrate

Wardha.

१५. सदरच्या प्रकरणाच्या अनुशंगाने वरील तिन्ही आदेश सविस्तर पारीत केल्यानंतर आरोपीस दि.२७.०७.२०२६ रोजी न्यायालयासमक्ष हजर होण्याचे आदेश देण्यात आले होते. वरील आदेश बघता आरोपीच्या गैरहजेरीचे अर्ज हे ७६ वर्षांचे तपासी अधिकारी न्यायालयासमक्ष हजर असतांनाही दुपारी ३.०५ पर्यंत कोणताही गैरहजेरीचा अर्ज अभिलेखावर नाही त्यामूळे साक्षीदाराचा पुरावा आरोपी क्र.१ च्या गैरहजेरीत नोंदविणे शक्य होत नाही. दि.२७.०७.२०२६ रोजी तपास अधिकारी हजर. परंतु दुपारी १.०० पर्यंत कोणताही गैरहजेरी माफीचा अर्ज आरोपीतर्फे दाखल करण्यात आलेला नाही. नि.क्र.१ चे अवलोकन केले असता आरोपी विरुद्ध यापुर्वी दि.१७.१०.२०२५, ०८.०१.२०२६, २३.०९.२०२५ या तारखांना गैरजमानती अधिपत्र जारी करण्यात आलेले आहे. त्यामूळे आरोपी कितीही म्हणत असला की तो सदर प्रकरण चालविण्यास तयार आहे. तो दर

तारखेस हजर राहील परंतु वरील तारखां बघता आरोपींस वारंवार गैरजमानती अधिपत्र काढून न्यायालयाने सदर प्रकरणाचे वय बघता रद्द केल्याचे दिसून येते.

१६. परंतु या न्यायालयासमक्ष सदर प्रकरण मा.सर्वोच्च न्यायालयाने जरी निकाली काढण्याची मुदत ठेवली नसली तरी मा. मुंबई उच्च न्यायालय, खंडपीठ नागपूर या न्यायालयास प्राप्त झालेले एससी (सी) ६२६/२०२५ दि.१०.११.२०२५ रोजीच्या पत्रानुसार सदर प्रकरण हे लवकरात लवकर निकाली काढण्याचे आदेश दिलेले आहे. तसेच मा.मुंबई उच्च न्यायालयाचे आरजी/२७/२०२५ यामध्ये मा.सर्वोच्च न्यायालय व मा.उच्च न्यायालयाचे कालबद्ध केलेले प्रकरणे निकाली काढण्याच्या उपायोजना दिलेल्या आहे. एवढेच नसून या न्यायालयास महिन्याच्या अखेरीस मा.उच्च न्यायालय, मुंबई यांचेकडे सदर प्रकरणाचे महिन्या भरात झालेल्या कामकाजाचे विवरण देणे आवश्यक आहे. तेव्हा या सर्व बाबींची पूर्तता करतेवेळी आरोपीचे गैरहजेरीत सदर प्रकरणात तपास अधिकारी यांचा आरोपीच्या गैरहजेरीचा कोणताही अर्ज नसतांना पुरावा नोंदविणे नैसर्गिक न्यायतत्वाच्या व्याख्येत बसत नसल्यामुळे आरोपीची गैरहजेरी प्रकरण चालविण्यास बाधा येणारी आहे.

१७. सदर प्रकरणाचा रोजनामा बघता जरी आरोपीचे म्हणणे आहे की त्यास व्ही.सी.द्वारे हजर राहण्याची परवानगी दयावी. आरोपी विरुद्ध विविध न्यायालयात प्रकरणे प्रलंबित आहे. आरोपीस मा.मुंबई उच्च न्यायालयाचे व्ही.सी.रुलबाबत संपुर्ण माहिती असतांना केवळ प्रतिज्ञापत्रावर लिहिलेला अर्ज विचारात घेता येणार नसून तो अर्ज आरोपीने केवळ वेळकाढूपणासाठी दिलेला आहे. आरोपीच्या प्रकरणाचा संपुर्ण रोजनामा बघता सन २०२५ मध्ये दि.११.०७.२०२५, २३.०७.२०२५, ०६.०८.२०२५, १२.०८.२०२५, १४.०८.२०२५, १८.०८.२०२५, २१.०८.२०२५, २५.०८.२०२५, २८.०८.२०२५, ०२.०९.२०२५, ०४.०९.२०२५, ०८.०९.२०२५, २३.०९.२०२५, ११.०९.२०२५, १५.०९.२०२५, १८.०९.२०२५, ३०.१०.२०२५, ०३.११.२०२५, ०६.११.२०२५, १०.११.२०२५, १७.११.२०२५, २०.११.२०२५, २४.११.२०२५, २७.११.२०२५, ०१.१२.२०२५, ०४.१२.२०२५, ०८.१२.२०२५, ११.१२.२०२५, २३.१२.२०२५, ०१.०१.२०२६, ०५.०१.२०२६, ०८.०१.२०२६ गैरहजेरीचा अर्ज

नाही, ०५.०२.२०२६, ११.१२.२०२६, १७.०२.२०२६, २३.०२.२०२६,
 २६.०२.२०२६, ०५.०३.२०२६, ०९.०३.२०२६, १३.०४.२०२६,
 २०.०४.२०२६, २७.०४.२०२६, ०४.०५.२०२६, १६.०३.२०२६,
 २३.०३.२०२६, ३०.०३.२०२६, ०८.०५.२०२६, १४.०५.२०२६,
 २१.०५.२०२६, ०१.०६.२०२६, ०६.०६.२०२६, ०८.०६.२०२६,
 १८.०६.२०२६, २२.०६.२०२६ अर्ज नामंजुर, २९.०६.२०२६ अर्ज नामंजुर,
 ०६.०७.२०२६, ०९.०७.२०२६, १६.०७.२०२६, २०.०७.२०२६, २३.०७.२०२६
 या तारखांमध्ये आरोपीचे गैरहजेरीचे अर्ज दाखल असून ते सदर प्रकरण पुढे चालावे या
 कारणास्तव मंजुर करण्यात आल्याचे दिसून येतात. परंतु २२.०६.२०२६ पासून आरोपीचे
 गैरहजेरीचे अर्ज नामंजुर करण्यात आले तरीही आरोपी हा न्यायालयासमक्ष हजर झाला नाही.
 त्यानंतर आरोपीचे वकीलांनी साक्षीदार हजर असल्याने गैरहजेरीचे दिलेले अर्ज
 दि.२३.०७.२०२६ पर्यंत केवळ प्रकरण पुढे चालावे या एकाच उद्देशाने मंजुर करण्यात
 आले. परंतु दि.२३.०७.२०२६ रोजी नि.क्र.१ वर आदेश पारीत करूनही आरोपी या
 न्यायालयासमक्ष हजर राहिलेला नाही. त्यामुळे दि.२७.०७.२०२६ रोजी साक्षीदार वारंवार
 हजर होवूनही आरोपी प्रकरण चालविण्यास न्यायालयास सहकार्य करण्याच्या मनस्थितीत
 नसल्याने आरोपीविरुद्ध कोणताही गैरहजेरीचा अर्ज नसल्याने सविस्तर आदेश नि.क्र.१ वर
 पारीत करून गैरजमानती अधिपत्र जारी करण्यात आले होते.

१८. जर का आरोपीचे म्हणणे आहे की तो दि.२७.०७.२०२६ रोजी नागपूर
 न्यायालयासमक्ष हजर होता तर तो दि.०३.०८.२०२६ रोजी तसा अर्ज न्यायालयात
 दाखल करू शकला असता परंतु दि.०३.०८.२०२६ रोजी आरोपीने कोणताही अर्ज
 न्यायालयात दाखल केलेला नाही. आज सदरचा अर्ज गैरजमानती अधिपत्र रद्द करण्याची
 मागणी आरोपी तो नागपूर येथील न्यायालयामध्ये दि.२७.०७.२०२६ रोजी हजर होता हे
 कारण पुढे करून त्याचे गैरहजेरीत सदर प्रकरणात गैरजमानती अधिपत्र जारी करण्यात आले
 अशी जर त्याचे म्हणणे आहे तर हे म्हणणे तो दि.०३.०८.२०२६ किंवा त्यापुर्वी
 २८.०७.२०२६ रोजी सुध्दा न्यायालयात हजर होवून सांगू शकत होता. आरोपीने त्याचे
 अर्जासोबत दाखल केलेले दस्तऐवज सूची नि.क्र.१०८१ यामध्ये आरोपी क्रमांक ३ हा

न्यायालयासमक्ष हजर होता असा दैनंदिन बिझनेस दाखल केलेला आहे. परंतु त्या प्रकरणात तो आरोपी क्र.३ आहे किंवा कसे याबाबत हे न्यायालय अनभिज्ञ आहे. आरोपीने सदर दस्त सूचीसोबत दस्त क्रमांक २ दाखल केलेला असून त्यामध्ये सुध्दा आरोपीने त्याचे विरुद्ध सदर प्रकरणे प्रलंबित असल्याचे व त्याच्या तारखा एकाच दिवशी वेगवेगळ्या न्यायालयांमध्ये असल्याचे दाखविलेले आहे परंतु या न्यायालयासमक्ष दि.२७.०७.२०२६ रोजी आरोपी नागपूर येथील न्यायालयासमक्ष हजर होता म्हणून तो या न्यायालयात येवू शकत नाही असा कोणताही गैरहजेरी माफीचा अर्ज दाखल नव्हता.

१९. सदर प्रकरणाची परिस्थिती व कथन हे आरोपीने दाखल केलेले न्यायनिर्णयाचे निकषापेक्षा वेगळी आहे. तेव्हा आरोपी हा केवळ त्याच्या विविध न्यायालयासमक्ष प्रलंबित असलेल्या प्रकरणांशी सदरचा आदेश रद्द करण्यासाठी गैरफायदा घेत असल्याचे दिसून येते कारण या पुर्वीच तारखेवार आरोपीने या सन २०२५-२०२६ मध्ये वेळोवेळी प्रकरण पुढे चालावे या कारणाने दिलेले गैरहजेरी माफीचे विवरण बघता आरोपीने या न्यायालयासमक्ष गैरहजेरीचा अर्ज सादर करणे गरजेचे होते व त्यास प्रकरण आठवड्यातील दोन दिवस ठेवले जाते हयाची माहिती आहे. परंतु तसे न करता आरोपी हा त्याचे गैरहजेरीत आज त्याचे विरुद्ध गैरजमानती अधिपत्र रद्द करण्याचा अर्ज दाखल करतो. तो या न्यायालयासमक्ष प्रत्यक्षरित्या का हजर राहू शकत नाही याबाबतचा केवळ तो अस्थमाचा रुग्ण आहे या खेरीज दुसरा कोणताही मजकुर नाही ते दाखविण्यासाठी वैद्यकीय प्रमाणपत्र नाही.

२०. तेव्हा अश्या परिस्थितीत आरोपी हा हे प्रकरण चालविण्यास न्यायालयास सहकार्य करीत नाही असा निष्कर्ष काढता येईल. आरोपीस वाटेल त्यावेळी तो न्यायालयासमक्ष गैरहजेरीचे अर्ज सादर करतो किंवा करतही नाही व प्रकरण कसे प्रलंबित ठेवता येईल याकडे आरोपीचा कल दिसून येतो. तेव्हा अश्या परिस्थितीत आरोपीच्या गैरहजेरीत आरोपीचे विरुद्ध जारी गैरजमानती अधिपत्र आरोपी प्रकरण चालविण्यास सहकार्य करीत नसल्यामुळे मंजूर करता येणार नाही. त्यामुळे आरोपीचा अर्ज नामंजूर होण्यास पात्र ठरतो. तेव्हा पुढीलप्रमाणे आदेश पारीत करण्यात येतो.

आदेश

अर्ज नामंजुर करण्यात येतो.

MRUNAL
YASHWANT
DOIPHODE

Digitally signed
by MRUNAL
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18:03:02
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वर्धा.

(श्रीमती एम.वाय.डोईफोडे)

दि. १०.०८.२०२६

मुख्य न्यायदंडाधिकारी, वर्धा.

T.C
[Signature]
(C.F.P)

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Ann-f

ITEM NO.37

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 10625-10626/2024

[Arising out of impugned final judgment and order dated 19-03-2024 in CRLWP No. 466/2015 19-03-2024 in CRLA No. 2224/2015 passed by the High Court of Judicature at Bombay at Aurangabad]

THE OSMANABAD DISTRICT CENTRAL CO-OPERATIVE BANK LTD. Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

WITH

SLP(Crl) No. 4753-4754/2024 (II-A)

FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 81426/2024

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 85030/2024

FOR EXEMPTION FROM FILING O.T. ON IA 85031/2024

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 90066/2024

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 113645/2024

FOR EXEMPTION FROM FILING O.T. ON IA 113649/2024

IA No. 113645/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 81426/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 113649/2024 - EXEMPTION FROM FILING O.T.

IA No. 85031/2024 - EXEMPTION FROM FILING O.T.

IA No. 85030/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 90066/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 03-08-2026 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE PRASANNA B. VARALE

Signature Not Verified
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Mr. Satyajit A. Desai, Adv.
Mr. Sachin Singh, Adv.
Mr. Pratik Kumar Singh, Adv.
Mr. Shashank Upadhyay, Adv.
Mr. Vishwesh Shankar Gadage, Adv.
Ms. Anagha S. Desai, AOR

Mr. Abhikalp Pratap Singh, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Ms. Aagam Kuar, Adv.
Mr. Kartikey, Adv.
Ms. Gayatri Agarwal, Adv.
Ms. Shubhangi Agarwal, Adv.
Mr. Utkarsh Kumar, Adv.
Mr. Siddharth Garg, Adv.
Ms. Surabhi Guleria, AOR

UPON hearing the counsel the Court made the following
O R D E R

At the request of the learned Senior Counsel
appearing for the respondent(s), list the matters in
the month of February, 2027.

It is well open to the Trial Court to dispense
with the presence of the accused persons.

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

T.C
Anup
(C.F.P.)

(POONAM VAID)
ASSISTANT REGISTRAR



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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL REVISION APPLICATION NO. 128 OF 2026

Sanjay Hariram Agrawal
VERSUS
The State Of Maharashtra

Mr.N.S.Jaju, Advocate for applicant
Mrs.B.B.Gunjal, APP for respondent

CORAM : AJIT B. KADETHANKAR, J.
DATE : APRIL 08 2026

PER COURT :-

Issue notice to the respondent, returnable on 16.04.2026.
Learned APP waives notice for the respondent.

2. The application filed by the applicant for cancellation of the non-bailable warrant is rejected by the trial court. Mr.Jaju, learned counsel for the applicant, submits that since the applicant was attending another court proceeding, he was bonafidely unable to appear before the trial court when the matter was called out. He relies on the order passed by this court on 24.12.2013 in Criminal Writ Petition No.4429 of 2013 (Arunkumar N. Chaturvedi Vs. State of Maharashtra and anr.) at Principal Seat at Bombay.

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3. Till next date, no coercive action shall be taken against the applicant.

[AJIT B. KADETHANKAR, J.]

KBP

T.C
H.K.
G-F-P.