

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

R.C.C. 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 on same day and applicant was required to attend that matter also.

5. Because both court hearings were scheduled on the 27th July which is the same day in two 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 in the morning 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 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.) is annexed herewith

9. A similar situation happened on 30th march 2026, when the accused was supposed to be present at Wardha and Osmanabad , and Osmanabad court issued a NBW . In this case as mentioned above , which happened on 30th March , the accused was supposed to remain present before Hon'ble CJM, Dharashiv (Osmanabad) and also in WARHA COURT ON 30TH MARCH 2026 . As the accused was present in Wardha court on 30th march , 2026 a NBW was issued against the accused by OSMAMBABAD COURT . An application seeking cancellation of NBW was filed by the accused before the Osmanabad court the same day , 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 order dated 8/4/2026, passed by the Hon'ble Bombay High Court Bench At Aurangabad, is annexed to this application for kind perusal of this Hon'ble Court.

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

11. 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.

12. 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.

13. *It may be noted that accused is patient of Asthma and continuous travel from One city to other is aggravating his Asthma problem .* The accused has once again suffered from Asthma problems and currently is on bedrest for the last three days and therefore he unable attained todays date and this application is filed in absence of accused.

14. *It may also be noted that the accused is facing trial is 23 cases across multiple cities arising from the same set of events .*

Out of above 23 CASES , there are 15 trials which are time bound and on several occasions , court dates in several courts are overlapping which makes it impossible for the accused to be present in two courts on the same day . A table of the overlapping dates from the beginning of this year till date is attached in the Annexure

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