

MHAU160012872025

**Sessions Case No.205 of 2025**

State of Maharashtra

Vs.

Santosh More and others**COMMON ORDER BELOW EXH.918 AND 922**

These are the applications filed on behalf of accused No.2- Santosh Jagtap for stay of execution of order of Non Bailable Warrant issued against him.

[2] I have perused the applications and say filed by the Ld. APP. It appears that on 03.12.2025 one Police Witness was present before the Court. However, due to absence of this accused evidence fo the said Police Witness could not be recorded. Therefore, to secure the presence of this accused Non Bailable Warrant was issued against him. Thereafter on 04.12.2025 the present application came to be filed. Since, the important contentions were not mentioned in the above application (Ex.918), the Ld. Advocate for the accused filed another application (Exh.922) incorporating new grounds for stay of execution of the NBW.

[3] Learned Advocate for accused No.2 - **Santosh Jagtap** has submitted that due to technical problem on 03.12.2025

application for exempting personal appearance of this accused could not be uploaded, consequently Non Bailable Warrant came to be issued against the present accused. She has further submitted that the accused did not deliberately remains absent before the Court. His father and mother-in-law are suffering from cancer and undergoing medical treatment, therefore, the accused is required to be remain with them. In the circumstances, if the NBW issued against the accused is executed and he is arrested, he would suffer hardship.

[4] In support of the above contentions the accused has produced on record certain medical papers, from which it appears that one Ujwala Deshmukh is undergoing chemotherapy at Ruby Hall Clinic, Pune. Further, from the said documents it appears that one Kantilal Shivilal Jagtap is also undergoing Oncology treatment at TATA Memorial Center. No doubt, the above documents are not sufficient to ascertain relationship of the accused wit these two persons by name Ujwala Deshmukh and Kantilal Shivilal Jagtap. However, by placing reliance upon the words of the applicant and argument advanced on his behalf by his Advocate, this Court accepts that relatives of the accused are undergoing medical treatment.

[5] Furthermore, the Ld. Advocate for the accused has submitted that this Court is empower to stay execution of Bailable Warrant or Non Bailable Warrant issued against the accused if sufficient cause is shown by the accused. In support of this

argument she relied upon the case law **Bhaskar Sen Vs. State of Maharashtra and Ors 2004(4) MHLJ 1115.**

[6] It was the intention of this Court to secure the presence of accused when Non Bailable Warrant was issued against him. Considering, the above mentioned reasons it appears that for some reasonable cause the accused could not attend the Court on the date of hearing. Moreover, his relatives are undergoing medical treatment for critical ailments. So also, he is ready to remain present before the Court as and when required. In the circumstances, if the accused is arrested and send behind bars, certainly he would suffer some hardship. In the circumstances, it would be just and proper to stay execution of Non Bailable Warrant issued against the accused. Hence, the following order:-

ORDER

- (1) Execution of Non Bailable Warrant issued against accused No.2- **Santosh Kantilal Jagtap** is hereby stayed.
- (2) Non Bailable Warrant issued against accused No.2- **Santosh Kantilal Jagtap** be recalled forthwith.
- (3) Issue letter accordingly to the concern Police Station.

(S. B. Bahalkar)

Additional Sessions Judge,

Gangapur, Dist. Chh. Sambhajinagar.

Date:- 11.12.2025.