

IN THE COURT OF SESSIONS JUDGE, WASHIM.

Order Below Exh. 73
(Dated 30/08/2024)

- 1) The present application preferred by applicant/accused no. 3 Islam Kha Shaikh Akhtar for cancellation of NBW on the ground that there was misunderstanding about the fixed date of the case, due to which the accused could not remain present in the Court.
- 2) The prosecution objected the application on the count that the accused is duty bound to get know the next date of the case.
- 3) Heard Adv. Mr. Parvez Akhtar for the accused and APP Mr. S. N. Kaloo for the prosecution.
- 4) On perusal of the record of the case, it is observed that the bailable warrant (BW) was served on the applicant/accused on 29/08/2024, but the applicant remained absent, not informed to his counsel and the said fact is also not reflected from the present application suggesting concealment of fact on behalf of the accused.
- 5) The prosecution prayed for rejection of the application. On the other hand, the applicant/accused prayed for cancellation of NBW with assurance that he will remain present on each and every date in future.
- 6) The casual approach of applicant/accused towards bailable warrant (BW) required to be impressed on the applicant either by way of rejection of present application and sending applicant in jail till final conclusion of the trial or heavy penalty.
- 7) The applicant/accused is labourer as submitted by Ld. defence

counsel, but his status as labourer does not mitigate his negligence and therefore, the penalty of Rs. 3,000/- is required to be imposed on the applicant/accused, in the interest of justice. Hence, the order -

ORDER

- 1) The NBW order dated 29/08/2024 passed by this Court against the applicant/accused no. 3 Islam Kha Shaikh Akhtar is hereby cancelled subject to condition of penalty of Rs. 3,000/- (Rupees Three thousand only) and to furnish mobile numbers and detailed addresses of his two close relatives excluding family members.
- 2) The intimation of cancellation of warrant be given to concerned police station i.e. Malegaon, police station for returning of warrant.
- 3) Accordingly, the application is disposed of.

Washim.

Date: 30/08/2024.

(S. V. Hande)

Sessions Judge, Washim.

CERTIFICATE

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

Name of Stenographer :- A. W. Ajmire, Stenographer (Grade-II)

Name of Court :- Principal District & Sessions Judge,
Washim, Tq. Dist. Washim.

Date of Judgment/ Order :- 30/08/2024

Judgment/Order signed by :- 30/08/2024
the Presiding Officer on

Judgment/Order uploaded on :- 31/08/2024