**Application for cancellation of Warrant**

BEFORE THE METROPOLITAN MAGISTRATES / MAGISTRATES COURT AT \_\_\_\_\_\_\_

OR

HON’BLE SESSIONS COURT AT \_\_\_\_\_\_

C.C. No. \_\_\_\_\_\_\_ of 20\_\_\_

ABC                                                                                        Applicant /

                                                                                  Accused No.1

Versus

The State of Maharashtra

(through XYZ Police station)

APPLICATION PRAYING FOR CANCELLATION OF WARRANT

MAY IT PLEASE YOUR HONOUR

The Accused hereinbefore beg to state as under –

That on the last date of hearing, i.e. on ………. I could not remain present because …………………………………..

That this Hon’ble Court was therefore, constrained to issue a non bailable warrant against me.

I undertake that I will be very punctual in future dates of hearing.

I, therefore, most humbly, pray that I may be pardoned for my said absence and the said Warrant be cancelled. I further say that the Hon’ble Court may in its discretion impose a reasonable cost upon me for this.

FOR THIS ACT OF KINDNESS THE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY FOR

Dated this \_\_\_\_ Day of \_\_\_\_\_\_\_\_\_, 20\_\_\_

ABC

Applicant

XYZ

Advocate for the

Applicant

Applicable Sections – 82, 88 OF CrPC, 1973; Section 21 of General Clauses Act, 1897.

Bombay HC Judgment in Arunkumar N. Chaturvedi v/s The State of Maharashtra & Another, Writ Petition No. 4429 of 2013: In appropriate cases the presence of accused may be dispensed with whilst presenting Application for cancellation of warrant.

The Hon’ble Court held that there is no law that the accused shall personally remain present for cancellation of warrant. If the lawyer makes an application for cancellation of warrant, the same needs to be considered on merits by the learned Magistrate without insisting the for appearance of the Applicant/accused. It is noted by this Court that many Writ Petitions are filed in this Court only because the learned Magistrate straight way take a view that warrant cannot be cancelled unless accused appears before the Court. The view taken by a few of the Magistrates particularly in the city of Bombay, in my opinion, is not correct. It is high time that this Court lets the Magistrate note that the appearance of the applicant/accused is not necessary when application for cancellation of warrant is made.