

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 51 OF 2015

Firoz Tajuddin Deshmukh .. Applicant

Versus

The State of Maharashtra .. Respondent

Ms. Naima Shaikh, Advocate for the applicant
Smt. V. S. Mhaispurkar, APP for the respondent

CORAM:-M.L. TAHALIYANI,J.
DATED :-02/02/2015

P.C.

Heard Ms. Naima Shaikh, learned counsel for the applicant and the learned APP for the respondent-State.

2 After hearing both the sides, it is noted that the applicant is facing trial for the offences punishable under MCOC Act. According to the learned APP, the only evidence against the applicant is that he had given a sum of Rs.15,000/- to one of the prime accused. In my opinion, the personal attendance of the applicant on all the dates of hearing is not

necessary. The applicant has got good reasons for seeking exemption. He is staying at Mira Road with his family. He is running coaching classes to earn his livelihood. In the circumstances, it was just and proper for the Special Judge / trial Judge to grant him exemption subject to the condition that he will appear before the Court whenever his personal attendance is necessary. Hence, I pass the following order:

The order passed by the Special Judge on 25th of November, 2014 below Exhibit-1914 in MCOC Spl. Case No. 16/2006 is set aside.

The application is allowed in the following terms:

- I) The applicant is exempted from personal appearance until further orders of the trial Court in spl. Case No. 16/2006;
- II) The trial Court can call upon the applicant to appear in person, whenever his personal appearance is necessary;

- III) The applicant shall not leave the territorial jurisdiction of Mumbai and Thane without 48 hours' prior intimation to the investigating officer;
- IV) The application stands disposed of.

(JUDGE)

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