

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.67 OF 2015

Rehmat Ali Mohd. Umar Shaikh	 Applicant
V/s.	
The State of Maharashtra	 Respondent

None for the Applicant.

Smt. V.R. Bhosale, A.P.P., for the Respondent-State.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 24TH MARCH, 2015.

P.C. :

1. This application has been sent by the Applicant from Jail, who prays for issuance of necessary directions to the Trial Court for expediting the hearing of Criminal Case No.1184/P/2003 under Sections 323 and 324 r/w. 34 of IPC.

2. We had called for the report from the Trial Court and the Additional Chief Metropolitan Magistrate, 24th Court, Borivali, Mumbai has submitted the report. Perusal of the report indicates that the present Applicant was released on bail in the present crime. It, however, appears that he is a convict who is undergoing sentence of life imprisonment. It is further revealed on perusal of the report that on account of absence of the witnesses and on account of absence of production of the present

Applicant and also, on few occasions, on account of absence of original Accused Nos.1 and 3, no progress could be made in the case. The report further reveals that the bail of original Accused Nos.1 and 3 has been cancelled and non-bailable warrants have been issued against them. However, since the trial is of the year 2003, we, therefore, direct the Trial Court to expeditiously decide the Criminal Case No.1184/P/2003, after the presence of original Accused Nos.1 and 3 is secured.

3. We, accordingly, allow this application to the extent indicated above.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]