

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.2765 OF 2015

Shashikala Bhagwan Gangurde	.. Petitioner.
Vs.	
Registrar General (Judicial)	.. Respondent.

Ms. Aparna D. Vhatkar for the Petitioner.

**CORAM : MOHIT S. SHAH, C.J. &
A.K. MENON, J.**

DATED : 2 SEPTEMBER 2015

P.C. :

In this petition under Article 226 of the Constitution of India the petitioner has prayed for the following reliefs :

“(a) That this Hon'ble Court may be pleased to issue a Writ of Mandamus or Writ in the nature of Mandamus and/or any other appropriate Writ, Order or Direction in the nature of Mandamus and direct the Respondent to place all the matters year wise for final hearing;

(b) That this Hon'ble Court may be pleased to issue a Writ of Prohibition or Writ in the nature of Prohibition or Writ in the nature of Prohibition and/or any other appropriate Writ, Order or

Direction in the nature of Prohibition and restrain the Respondent from placing the Appeals for final hearing out of turn;

(c) Pending the hearing and final disposal of this petition this Hon'ble Court may be pleased to place Appeals No. 573/2008, 75/2007 and 601/2008 for final hearing.”

2. By our order dated 20 July 2015 we have directed the Registrar Judicial-I to submit a report about the status of three criminal appeals referred to in prayer clause (c). On the basis of report dated 22 July 2015 of the Registrar Judicial-I we had passed the order dated 24 July 2015 indicating that the criminal appeal nos.573 of 2008 and 266 of 2010 are listed for final hearing before the Division Bench of this Court. As regards Criminal Appeal No.75 of 2007 the said appeal challenges the order of acquittal and is sent to the Board Department. Criminal Appeal No.601 of 2008 is against the order of conviction but the accused is released on bail.

3. The learned counsel states that Criminal Appeals of the year 2015 cannot be directed to be listed for final hearing when the criminal appeals of previous years are pending.

4. The Registry places criminal appeals for final hearing yearwise, out of those appeals which are ready for hearing. However, the Court has discretion to issue necessary direction for early listing of a criminal appeal which may not be in accordance with the date of filing. Such discretion is exercised by the concerned Court depending on the facts and circumstances of each case and such judicial discretion cannot be taken away in exercise of writ jurisdiction under Article 226 of the Constitution. The writ petition accordingly deserves to be dismissed.

5. The learned counsel for the petitioner has submits that the criminal appeals of 2015 of celebrities should not be given priority.

6. It is necessary to note the following paras in the writ petition :

“5. That many others lodged with Bhagwan Gangurde in the Jail are awaiting their turn for their Appeals to be listed.

6. That on the other hand certain 'celebrities' and/or famous or affluent person are getting their Appeals listed for final hearing inspite of being filed recently.”

7. It does not require a lot of imagination to infer that the attempt of the petitioner appears to delay the hearing of a criminal appeal of 2015 filed by a “celebrity”. The writ petition, cannot, therefore, be treated as bonafide.

8. The writ petition is dismissed summarily.

(CHIEF JUSTICE)

(A.K.MENON, J.)

CERTIFICATE

“I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.”

Uploaded by : H. C. Shiv
Pvt. Secretary to the Hon'ble Judge

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