

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1523 OF 2015

IN

CRIMINAL APPEAL NO.250 OF 2014

MOTIUR MOHD. HASMUDDIN SHAIKH)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Smt.Zainabee Khan, Advocate for the Applicant.

Smt.M.R.Tidke, APP for the Respondent - State.

CORAM : ABHAY M. THIPSAY, J.

DATE : 15th DECEMBER 2015.

P.C. :

1 Heard Smt.Zainabee Khan, the learned counsel for the applicant. Heard Smt.M.R.Tidke, the learned APP for the State, who submits that the Investigating Officer is not present.

2 However, I find that the applicant has been reporting to the Anti Terrorism Squad (ATS), Vikhroli, on every alternate Monday, as ordered by this court, by the order dated 29th April

2015. Copies of the relevant documents showing attendance by the applicant at the ATS are tendered in the court by the learned counsel for the applicant, and the same are taken on record. Even otherwise, the ATS has not reported any default by the applicant in reporting to their office.

3 After considering the difficulties explained by the learned counsel for the applicant, I am inclined to relax the said condition.

The condition requiring the applicant to report to the Office of ATS, Vikhroli, on every alternate Monday till the disposal of the appeal is relaxed, and modified by stipulating that the applicant shall report to the office of the ATS, Vikhroli, only once in a month, i.e. on the first Monday of each calendar month, till the disposal of the appeal filed by him and another.

Any default on the part of the applicant in reporting to the office of the ATS, Vikhroli, as aforesaid, shall forthwith be brought to the notice of this court, by the concerned officer of the ATS.

4 Hearing of the appeal is ordered to be expedited.

5 The application is disposed of in the aforesaid terms.

LATER ON :

Shri P.J.Mohite, A.P.I., ATS, Vikhroli, is present.

Smt.M.R.Tidke, the learned APP, states that, he has no objection to have the condition relaxed and the order modified. The learned APP submits that this be recorded. The order has already been passed, but on being mentioned by the learned APP, it is recorded.

(ABHAY M. THIPSAY, J.)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment / Order.**