

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.941 OF 2015

Vithal A. Bhadbhade

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Anoop Sharma for Petitioner.

Mr.J.P.Yagnik, APP, for State.

CORAM : N.H.PATIL AND PD.NAIK, JJ.

DATE : 6th June 2016

PC :

1. Heard. It is submitted that the Petitioner is a ninety years old person suffering from Parkinson disease. He is physically not able to attend the Court proceedings. On merits, learned counsel for Petitioner submits that except the Petitioner having signed the document namely agreement for sale with the co-owner, there is absolutely no role of the Petitioner in the subject crime. It is apprehended that though the Petitioner has not been arrested due to his old age and deteriorating health condition, the Petitioner may be forced to attend the Trial Court proceedings. Learned counsel for the Petitioner states that the Petitioner is even unable to attend the Trial Court to seek necessary orders.

2. Learned APP submits that considering the material placed on record, the Petitioner may resort to appropriate remedies in accordance with law in Trial Court.

3. We have perused the records and considered the submissions. In the facts, we are not inclined to exercise our jurisdiction to quash the proceedings against the Petitioner. The prosecution has collected the material against the owners of the flat. The Petitioner is one of the co-owner. As to what role the Petitioner had played, whether the Petitioner was mere a signatory and not aware about the transaction in view of old age and health etc. are the issues which cannot be addressed at this stage and in these proceedings.

4. As regards apprehension of the Petitioner that he will be forced to attend the Trial Court proceeding, the Petitioner may resort to appropriate alternate remedies in accordance with law. Keeping all issues on merits open, the petition is disposed of.

(PD.NAIK, J.)

(N.H.PATIL, J.)

MST