

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.400 OF 2015

Pratik Manohar Shivpuje	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. A.G. Toraskar, Adv. for the applicant.
Mr. D.P. Adsul, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th January, 2016.

P.C. :

1. This is an application received through jail from the accused who is facing trial in MCOC No.8 of 2013 to permit him to defend his case in person. The records reveal that the applicant had made a similar plea before the Special Judge. The learned Special Judge has rejected the request of the applicant / accused since he is facing trial in MCOC case, particularly in view of the stringent provisions of MCOC Act. The learned Trial Judge had therefore, directed that the counsel through legal aid panel should be appointed to represent the applicant in the said matter. Aggrieved by the said order the applicant / accused has filed this application. The applicant / accused has stated that he does not wish to be represented by any advocate as he is conversant with the facts of the case and that he

should be permitted to defend himself in person. The applicant has further stated that he would be fully responsible for his acts and that he would not blame any person or authority for the outcome of said case.

2. Considering that the applicant has declined legal aid and has clearly expressed his desire to defend himself in person, the application is allowed. It is however made clear that if at any stage the applicant seeks legal aid or the Judge is satisfied that the applicant is unable to defend himself properly, the learned Special Judge shall in the interest of justice, appoint a counsel to aid and assist the applicant as well as the Court in deciding the case.

3. The application stands disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)