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

WRIT PETITION NO. 1440 OF 2017

Ismail @ Salim@ Javed Yusuf Shaikh ...Petitioner

Vs.

The State of Maharashtra ...Respondent

Ms. Rohini Dandekar, Advocate appointed for
the Petitioner

Mrs. G.P. Mulekar, A.P.P. for the State

**CORAM : SMT. V.K. TAHILRAMANI, &
M.S. KARNIK, JJ.
DATED : 21ST APRIL, 2017**

P.C. :

1. Heard both sides.
2. By judgment and order dated 18th August, 2007 passed by the learned Adhoc District Judge - III and Additional Sessions Judge, Sewree, Mumbai, the Petitioner has been convicted under Section 302 r.w. Section 34 of the Indian Penal Code in Sessions Case No.704 of 1999. Being aggrieved thereby the Petitioner preferred Criminal Appeal No.632 of 2008 before this Court. By judgment and order dated 14th June 2013 the Appeal was dismissed.

3. The Petitioner has prayed that his name be changed from Ismail @ Salim @ Javed Yusuf **Khan** to Ismail @ Salim @ Javed Yusuf **Shaikh**. It is to be noted that in the chargesheet, charge and judgment of the Trial Court as well as this Court, the Petitioner's name is shown as Ismail @ Salim @ Javed Yusuf **Khan**.

4. The Petitioner was arrested in the year 1998. Neither at the time of arrest or when the chargesheet was filed the Petitioner did not state that his name is Ismail @ Salim @ Javed Yusuf **Shaikh**. At no point before the trial Court he stated that his name is Ismail @ Salim @ Javed Yusuf **Shaikh**. Even when the Trial Judge was proceeding with the trial he did not point out that his name was wrongly stated. So also before this Court it was not stated at any point of time till the appeal was decided that his name was wrongly mentioned.

5. As stated earlier the Petitioner has now prayed that his name be changed from Ismail @ Salim @ Javed Yusuf **Khan** to Ismail @ Salim @ Javed Yusuf **Shaikh**. However, no documentary proof has been produced by the Petitioner to show his name is Ismail @ Salim

@ Javed Yusuf **Shaikh**. It is not possible to change the name in the records at this stage without any documentary proof of the same.

6. Hence, the prayer for changing name is rejected. Rule is discharged.

7. Office to communicate this order to the Petitioner who is in Kolhapur Central Prison, Kalamba.

(M.S. KARNIK, J.)

(SMT. V.K. TAHILRAMANI, J.)