

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1517 OF 2017

IN

CRIMINAL APPEAL NO.1025 OF 2009

SHANKAR VISHNU SARODE

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA

)...RESPONDENT

Mr.Rajendra V. Patil i/b. Mr.Shivaji Kadam, Advocate for the Applicant.

Mr.Y.M.Nakhwa, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 18th DECEMBER 2017

P.C. :

1 This is an application for relaxation of Condition No.4 of the order dated 16th November 2009 passed in Criminal Application No.1212 of 2009. By this condition, during pendency of his appeal, the applicant/accused was directed to appear before the “relevant A.C.B. Inspector” once on first Monday of every month.

2 Heard the learned advocate appearing for the applicant/accused. He argued that the applicant/accused, upon his conviction by the trial court, has preferred an appeal before this court which is already admitted for final hearing, and therefore, there is absolutely no necessity now to appear before the concerned Police Officer on first Monday of every month. The learned advocate further argued that the applicant/accused is a resident of Sangli and he is unnecessarily required to attend the Anti Corruption Bureau Inspector in Mumbai.

3 The learned APP opposed the application by contending that the applicant/accused is involved in serious offences.

4 I have carefully considered the rival submissions and also perused the impugned judgment and order. The applicant/accused is convicted in Special Case No.64 of 1997 for offences punishable under Sections 409, 467, 468, 471, 477A of the Indian Penal Code apart from offences punishable under

Sections 13(1)(c)(d) read with 13(2) of the Prevention of Corruption Act. His appeal is already admitted for final hearing before this court. This implies that the trial is over and there is nothing tangible on record to show that the applicant/accused will not be available when the appeal will be heard by this court.

5 In this view of the matter, there is no propriety to continue Condition no.4 imposed on the applicant/accused and therefore the order :

ORDER

- i) The application is allowed.
- ii) Condition No.4 of the order dated 16th November 2009 passed in Criminal Application No.1212 of 2009 in Criminal Appeal No.1025 of 2009 stands deleted.
- iii) The application is disposed of accordingly.

(A. M. BADAR, J.)