

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1704 OF 2017

IN

CRIMINAL APPEAL NO.120 OF 2013

Sitaram Dada Sarode

..Applicant
(Org. Accused)

vs.

The State of Maharashtra

..Respondent
(Org. Complainant)

WITH

CRIMINAL APPLICATION NO.1388 OF 2017

IN

CRIMINAL APPEAL NO.120 OF 2013

Sitaram Dada Sarode

..Applicant
(Org. Accused)

vs.

The State of Maharashtra

..Respondent
(Org. Complainant)

WITH

CRIMINAL APPLICATION NO.165 OF 2015

IN

CRIMINAL APPEAL NO.120 OF 2013

Shantabai Revaji Masal

..Applicant
(Intervener/Org.Complainant)

vs.

The State of Maharashtra

..Respondent

.....

None for the applicant.

Mr. Arfan Sait, A.P.P. - State.

.....

**CORAM : SMT. V.K. TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

DATE : 14th DECEMBER, 2017.

P.C.:-

By the judgment and order dated 30/1/2012 the applicant has been convicted and sentenced under section 302 and 498-A of the Indian Penal Code. Being aggrieved thereby, the applicant has preferred Criminal Appeal No.120 of 2013.

2. In Criminal Application No.1388 of 2017 the applicant has stated that all the exhibits are not there in the paper-book, hence, the paper-book should be corrected. He also wants some corrections to be carried out in the judgment and order of the Sessions Court. Thereafter, the applicant has prayed that he wishes to argue his application in person. In view of the prayer made that the applicant should be heard in person,

by order dated 8th November, 2017, we had kept the matter on 23/11/2017 at 4.30 p.m. to hear the applicant on video conferencing. On 23rd November, 2017, the matter reached in morning session at which time the learned APP Shri Sait stated that he will go through the record which had been called and he will find which exhibits are missing in the paper-book and he would give the list of the same. Hence, the matter was adjourned to 30/11/2017 for the learned APP to submit the list.

3. On 30th November, 2017, learned APP Shri Sait on carefully going through the record and proceeding, prepared the list of the exhibited documents which were not there in the paper-book. Accordingly, he stated that Exh.78, Exh.95, Exh.99 and Exh.100 which appear in the evidence of PW-11, PW-13 and DW-1 are not part of the paper-book and they are found in file III of the record and proceeding. Now, that learned APP had pinpointed which exhibited documents were not part of the paper-book, we adjourned the matter to today so that the applicant could be heard on the video conferencing. However, yesterday

another application was received from the applicant i.e. Criminal Application No. 1704 of 2017 in which he has stated that he does not want to argue his application on video conferencing and wants to remain present before High Court to argue his application and if possible the hearing of the matter be video recorded. So far as video recording of the hearing is concerned, there is no such provision. We are not inclined to direct that the applicant should be produced before us by the jail authority so that he can be heard in person. We are of the opinion that the applicant can be effectively heard on video conferencing. In this view of the matter, Criminal Application No.1704 of 2017 is rejected.

4. Criminal Application No.1388 of 2017 is adjourned to 18th January, 2018, on which date the applicant shall be heard on video conferencing at 4.30 p.m.. After application No.1388 of 2017 is disposed of, the appeal will be taken up for final hearing.

5. Office to communicate this order to the applicant,
who is in Nashik Road, Central Prison, Nashik.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)