

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPEAL NO.375 OF 2002

(Satish s/o Natthuji Thete Vs. State of Maharashtra thr. PSO PS Allipur,
Tq. Hinganghat, Dist. Wardha)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri Sumit Joshi, Advocate for Appellant.
Shri A.V. Palshikar, APP for Respondent/State.

CORAM: ROHIT B. DEO, J.

DATE: 12th SEPTEMBER, 2017.

Criminal Appeal 375/2002 was listed for final hearing before this Court.

The counsel for the appellant made a statement that since the appellant has undergone the sentence, he is not inclined to prosecute the appeal. The appellant was present in the Court and he too confirmed that he is not interested in prosecuting the appeal.

Accepting the request for withdrawal, this Court has disposed of Criminal Appeal 375/2002 as withdrawn.

However, certain extremely disturbing and shocking facts have emerged from a perusal of the record. By order dated 27.08.2002 this Court allowed Criminal Application 1649/2002 and ordered that the appellant be released on bail as in Trial Court.

According to the appellant, the bail order was not brought to his knowledge and therefore, he languished

in jail notwithstanding that this Court had suspended the sentence and granted bail.

The appellant has been deprived of liberty despite the order dated 27.08.2002.

The learned Registrar (Judicial) is requested to conduct an elaborate inquiry to ascertain as to whether the writ of bail order did reach the Trial Court. If the writ did reach, whether the Trial Court informed the Registry of this Court that the appellant-accused did not come forward to offer or execute fresh bonds etc. and to generally inquire into the reasons and the circumstances leading to the appellant-accused Satish Thete languishing in jail despite the bail order dated 27.08.2002. This inquiry be completed within 30 days and compliance report be placed before this Court.

The learned Registrar is also requested to bring this instance to the notice of the Division Bench which is assigned Public Interest Litigations since the issue concerns constitutional rights guaranteed under Article 21 of the Constitution of India, and to request the Division Bench to take up the issue, if the Division Bench deems fit, in Public Interest.

Such instances erode the faith of the common man in the justice dispensation system. The appellant-accused has stated before this Court that his counsel who argued the bail application did not inform him that this Court had granted bail. The liberty of a citizen is to be saved and sacrosanct to be left to the mercy of counsels.

It would be appropriate if the justice dispensation system as a whole comes up with a structured response to ensure that such shocking instances do not re occur.

JUDGE

NSN