

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.87 OF 2018
IN
CRIMINAL APPEAL NO.151 OF 2015**

Mr.Subhash Rayappa Prabhu ... **Applicant**
V/s.
Dinesh Mariappa Prabhu & Ors. ... **Respondents**

.....

Ms.Sonal Parab i/b. Mr.Rajeev Sawant & Associates, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent/State.

Mr.Rajesh B. Parab, Advocate for the Respondent Nos.2 to 6.

....

CORAM : A.M.BADAR J.

DATED : 12th MARCH 2018.

P.C. :

1 This is an application for early hearing of the appeal challenging acquittal of the respondent No.1 of the offence punishable under Section 138 read with Section 141 of the Negotiable Instruments Act, 1881.

2 Heard both sides.

3 In view of the Judgment of the Honourable Apex Court in the matter of *Hussain & Anr. v. Union of India*¹, this Court is taking up final hearing of the appeals in which appellants are in jail. In many such appeals, appellants are undergoing jail sentence for more than nine or ten years.

4 In this view of the matter, this appeal challenging acquittal cannot be given precedence over jail appeals.

5 The application is, therefore, rejected.

(A.M.BADAR J.)

1 2017 (5) SCC 702.