

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.678 OF 2018

IN

CRIMINAL BAIL APPLICATION NO.427 OF 2018

IN

CRIMINAL APPEAL NO.259 OF 2018

BHAGWAN DAYARAM JOSHI

)...APPLICANT

V/s.

THE UNION OF INDIA AND ANOTHER

)...RESPONDENTS

Mr.S.N.Chaudhary i/b. BBT Legal, Advocate for the Applicant.

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

None for Respondent No.1.

CORAM : A. M. BADAR, J.

DATE : 15th OCTOBER 2018

P.C. :

1 The learned counsel for the applicant/accused seeks leave to amend. Leave as prayed is granted. Amendment be effected forthwith.

2 This is an application for relaxation of condition of order dated 23rd March 2018 passed in Criminal Application Nos.427 of 2018 and 428 of 2018. The condition is to the effect that the applicant/accused should attend the concerned trial court on every first Monday of the month between 11.00 a.m. to 1.00 p.m.

3 Heard the learned counsel appearing for the applicant/accused. He argued that the applicant/accused is 71 years old person residing at Porbander in Gujarat and by virtue of this order, he is required to attend the concerned sessions court at Mumbai on every first Monday of the month. This is causing undue hardship to the applicant/accused.

4 Nobody appeared for respondent no.1. The learned APP appears for respondent no.2.

5 The applicant/accused is convicted of offences punishable under Sections 120B, 420, 471 read with 120B of the

Indian Penal Code as well as under Sections 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. Maximum sentence of imprisonment awarded to him is that of 2 years and all the substantive sentences are directed to run concurrently. He is directed to be released on bail by this court vide order dated 23rd March 2018.

6 In the backdrop of the offence of which the applicant/accused is convicted as well as the fact that he is resident of Porbander and 71 years of age, now no purpose would be served by directing him to attend the trial court in Mumbai on every Monday of the month. Therefore, Condition No.3(b) of the order dated 23rd March 2018 is relaxed by directing the applicant/accused to attend the concerned trial court on every first Monday of 8th month. If the said Monday falls on a holiday or non-court working day, the applicant/accused shall attend the court on the immediately next working day. With this order, the application stands disposed off.

(A. M. BADAR, J.)