

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.789 OF 2016

IN

CRIMINAL APPEAL NO.884 OF 2015

SMT.MANJIRI DAYANAND PARADKAR)...APPLICANT

V/s.

ARVIND BHATT AND ANOTHER)...RESPONDENTS

Mr.Mayuresh D. Modgi, Advocate for the Applicant.

Mr.Pankaj H. Das, Advocate for Respondent No.1.

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

CORAM : A. M. BADAR, J.

DATE : 20th FEBRUARY 2018

P.C. :

1 This is an application for fixing early date for final hearing of the Criminal Appeal No.884 of 2015. Heard the learned Advocate appearing for the applicant/appellant. He argued that the applicant/appellant is a senior citizen, who is present in the court, and the respondent/accused is also a senior citizen and therefore, the appeal needs to be heard pre-emptorily. I have also heard the learned advocate for the respondents.

2 I have considered the rival submissions. The subject appeal is an appeal challenging acquittal of respondent no.1 of the offence punishable under Section 500 of the Indian Penal Code. After due trial, by the impugned judgment and order dated 27th June 2014, the learned Judicial Magistrate First Class, Thane, was pleased to acquit the respondent no.1 of the offence punishable under Section 500 of the Indian Penal Code.

3 In the matter of Hussain vs. Union of India¹ the Honourable Apex Court has directed this court as well as the trial court that all matters in which accused persons are in jail and particularly for more than five years, need to be taken up first for disposal. Final hearing board of this court is flooded with appeals in which appellants are in jail since more than 5 years. This court, in the last week, has disposed of some appeals, in which the appellants had undergone jail sentence of 10 years and similar such appeals are still pending before this court.

1 2017(5) SCC 702

4 In this view of the fact, when appeals of convicts, who are undergoing jail sentence and particularly who have already undergone jail sentence of about 10 years are still pending before this court, the instant appeal, in which the acquittal of the respondent is challenged, cannot be given precedence. Hence, the following order :

ORDER

The application is rejected.

(A. M. BADAR, J.)