

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1091 OF 2018

IN

CRIMINAL APPLICATION NO.3 OF 2018

IN

CRIMINAL APPEAL NO.2 OF 2018

Abdul Latif Mohd. Khalil @ Sultan ... **Applicants**

V/s.

The State of Maharashtra and anr. ... **Respondents**

Mr.A.A.Siddiqui i/b. Mr.A.A. Siddiquie and Associates for the applicants.

Mr. P.H. Gaikwad-Patil for the respondent/State.

CORAM : A.M.BADAR J.

DATED : 26th SEPTEMBER 2018.

P.C. :

1. This is an application for modification of condition of order dated 16th January, 2018 passed by this Court in Criminal Application No.3 of 2018.

2. The condition is to the effect that the applicant should

attend the concerned Police Station once in a month till disposal of the appeal. The applicant/accused is convicted of the offence punishable under Section 25(1)(1A) of the Arms Act, 1959. He is sentenced to suffer rigorous imprisonment for five years apart from payment of fine of Rs.3,000/-.

3. Heard the learned Counsel appearing for the applicant/accused. He argued that because of under trial detention of the applicant for large period of time he has lost his business and now he is required to attend the concerned Police Station once in a month at the costs of earning of livelihood by him.

4. The learned Additional Public Prosecutor submits that the applicant was found with fire arm and therefore the application deserves to be rejected.

5. I have considered the submissions so advanced. The appeal filed by the applicant who is on bail may not be heard in next few

years and as such requiring him to continue to attend the concerned police Station once in a month is real prejudice to him. It is not disputed that the applicant had complied with this condition as of now. Hence the following order;

:: ORDER ::

- (i) The application is disposed of with a direction to the applicant instead of attending the applicant the concerned police station once in a month, he should attend the concerned police station once in eight months on first Sunday of eight month from 11.00 a.m. to 1.00 pm till disposal of the appeal.

Vina
Arvind
Khadpe

Digitally
signed by
Vina Arvind
Khadpe
Date:
2018.09.26
16:58:04
+0530

(A.M.BADAR J.)