

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO.1492 OF 2017
IN
CRIMINAL APPEAL NO.822 OF 2009**

Mr.S. Irani (Sorkhab) ... **Applicant**
V/s.

The State of Maharashtra & Ors. ... **Respondents**

.....

Mr.Tejas P. Hartalkar h/f. Mr.Shailendra S. Kanetkar, Advocate for the Applicant.

Mr.S.V.Gavand, APP for the Respondent No.1/State.

....

CORAM : A.M.BADAR J.

DATED : 16th FEBRUARY 2018.

P.C. :

1 This is an application by the appellant, who is challenging acquittal of the respondent of offences punishable under Section 11 read with Section 13 of the Maharashtra Ownership of Flat Act, 1963 and Rule 9 of the Maharashtra Ownership of Flats Rule 1964.

2 Ground urged for early hearing of the appeal is that the applicant is a senior citizen.

3 Heard the learned Advocate for the applicant as well as the learned Additional Public Prosecutor.

4 At present, this Court is hearing criminal appeals in which the appellants are undergoing jail sentence. Appeals of the appellants, who have undergone jail sentence of about ten years are being heard by this Court presently. Several such appeals are pending before this Court for final disposal.

5 Hence, in the light of Judgment of the Honourable Apex Court in the matter of *Hussain & Anr. v. Union of India* reported in **2017 (5) SCC 702** the instant appeal which is challenging acquittal of the respondent/accused cannot be given out of turn hearing even though the appellant is a senior citizen.

6 The application is, therefore, rejected.

(A.M.BADAR J.)