

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1751 OF 2017

IN

CRIMINAL APPEAL NO.1243 OF 2007

BALKRISHNA DATTATRAY KUMBHAR)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA)...RESPONDENT

Mr.P.P.Runwal, Advocate for the Applicant.

Ms.Ameeta Kuttikrishnan, Advocate for the Respondent/CBI ACB.

Mr.V.V.Gangurde, APP for the Respondent – State.

CORAM : A. M. BADAR, J.

DATE : 6th FEBRUARY 2018

P.C. :

1 This is an application for early hearing of the appeal filed by the applicant/appellant/accused challenging his conviction for the offences punishable under Sections 13(2) read with 13(1)(e) of the Prevention of Corruption Act, 1988.

2 Heard the learned advocate appearing for the applicant/appellant/accused. He argued that on earlier occasions, this court had directed expeditious hearing of the appeal vide order dated 29th March 2010 and 24th September 2013. Therefore, the appeal be fixed for final hearing.

3 It is not in dispute that the applicant/appellant/accused is on bail.

4 This court is now hearing appeals of the persons who have undergone 10 years of rigorous imprisonment towards substantive sentence and who are undergoing further default sentence imposed on them. In other words, appeals of convicts who are undergoing jail sentence for about 10 years are now under consideration of this court. In the matter of **Hussain vs. Union of India**¹ the Hon'ble Apex Court has virtually directed the courts below to take up first the appeals in which convicts are undergoing jail sentence, and particularly, the jail sentence of more than five years. The board of final hearing of this court is

1 2017(5) SCC 702

flooded with such appeals in which convicts are behind bars for more than 5 years.

5 In this view of the matter, this appeal, in which the applicant/appellant/accused is on bail, cannot be given precedence. Hence, this appeal will have to be heard after hearing of appeals, in which appellants are undergoing jail sentence, are over.

6 The application is, therefore, rejected, with liberty to the applicant/appellant/accused to move afresh after jail appeals pending before this court are heard.

7 The application is, accordingly, disposed of.

(A. M. BADAR, J.)