

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRI. PUBLIC INTEREST LITIGATION NO.4 OF 2018
(SUO MOTU (COURT'S ON ITS OWN)...VS..STATE OF MAHARASHTRA.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : B.P.DHARMADHIKARI AND
Z.A.HAQ, JJ.

DATED : JUNE 13, 2018.

1. Heard advocate Shri Joshi, appointed as Amicus, and A.P.P. Shri Ghodeswar for the State.
2. Perused the orders passed by learned single Judge on 12th September, 2017. On that date the appellant had shown his unwillingness to prosecute the appeal on the ground that he had already undergone the sentence. Accepting the statement, the appeal was, therefore, disposed of.
3. The developments before the learned single Judge show that the appellant did not press for acquittal before the learned single Judge. However, the facts taken note of by the learned single Judge in earlier order dated 12th February, 2018 show that after the criminal appeal was filed, this Court granted bail to the appellant. The order of bail was also received by the office of the counsel representing him. The benefit of that order, however, could not be enjoyed and the appellant remained in jail and completed the sentence. The circumstances and situation in which he was precluded from getting benefit of bail order are not on record.

4. It is, in these circumstances, that the learned single Judge has found it necessary to place the matter before the Bench taking up Public Interest Litigations.

5. Advocate Shri Joshi and learned A.P.P. submits that the procedure now is different. After bail is granted order of bail is sent to the concerned Jail in which the convict is lodged and it is also sent to the Court convicting him and additionally if Hamdast is asked for, its copies are also made available to his advocate.

6. We, therefore, find that unfortunate developments which have taken place in this matter cannot now be repeated. However, we direct the Registry to see that if such bail orders are issued and writ to release a prisoner on bail is sent, compliance thereof must be received by the office of this Court within four weeks. If it is not so received, the matter shall be placed before the Court ordering the accused/prisoner to release on bail. The party who has to execute and honour bail writ must accordingly be informed to submit / place report in pursuance of the order granting bail within stipulated period of four weeks. This direction must form part of bail writ issued to the concerned Authorities/ Court.

With these directions, we close the proceedings.

7. We thank the learned Amicus as also the learned Additional Public Prosecutor for ably assisting the Court in the matter.

(Z.A.Haq, J)

(B.P.Dharmadhikari,J)