

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 200 OF 2019

IN

CRIMINAL APPEAL NO. 793 OF 2016

Sanjaykumar Ramsevak Nishad alias .Applicant
Ramprasad alias Ramu

Vs.

The State of Maharashtra .Respondent

Mr. M. Khan i/b. Mr. A. Vagal, Advocate, for the Applicant
Mr. P. H. Gaikwad, APP, for the Respondent – State

CORAM : REVATI MOHITE DERE, J.

DATE : 12.03.2019

P.C.

. By this Application, the Applicant seeks relaxation / modification of Clause (iii) of the order dated 04.08.2017 passed by this Court (Coram : Prakash D. Naik, J.) in Cri. Appln. No. 1530 of 2016 in Cri. Appeal No. 793 of 2016. The condition of which modification is sought reads thus :-

“(iii) The applicant shall attend Juhu Police Station once in a month on the first Saturday of the month between 11.00 am to 1.00 pm till further order.”

2. Learned counsel for the Applicant states that the Applicant has been attending the concerned police station as directed by this Court vide order dated 04.08.2017 till date. He further states that the Applicant is working as a Cook in a Catering Company and is required to travel often, as per the orders of the Company. He submits that the said condition be, therefore, relaxed / modified.

3. Learned APP does not dispute the fact, that the Applicant has till date complied with the said direction as imposed by this Court.

4. The Applicant is convicted for the offence punishable under Section 328 of the Indian Penal Code and is sentenced to undergo R. I. for four years. The Applicant's sentence was suspended by this Court pending his Appeal, vide order dated 04.08.2017. The Applicant is regularly attending the concerned police station as directed.

5. Having regard to the said fact and the nature of the Applicant's job, the Application is allowed, inasmuch as, the Applicant is, now, required to attend the concerned police station once in three months i. e. on the first Saturday of the month, commencing April, 2019 between 11.00 a. m. and 1.00 p. m., till the Appeal is finally decided. Since the Applicant is from Uttar Pradesh, it is imperative that he attends the concerned police station once in three months, so that his whereabouts and details are known to the police.

6. The Application is, accordingly, allowed as aforesaid and is disposed of.

(REVATI MOHITE DERE, J.)