

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 1069 OF 2019
IN
CRIMINAL APPLICATION No. 1098 OF 2015
IN
CRIMINAL APPEAL No. 590 OF 2015

Liyakat @ Sadulla Mohd. Ali Karajikar ... Applicant
Vs.
The State of Maharashtra ... Respondent

Mrs. Misbaah Solkar a/w M.A. H. Solkar, for the Applicant.
Mrs. M. M. Deshmukh, APP for the Respondent.

**CORAM : INDRAJIT MAHANTY, &
A. M. BADAR, JJ.**

DATE : JULY 29, 2019

PC :

1. This is an application for relaxing the condition of attending D. B. Marg Police Station on 1st Monday of every month during pendency of the appeal, challenging conviction of the Applicant / Appellant, imposed by an order dated 21st October, 2015 passed in Criminal Application No. 1098 of 2015.

2. The Applicant is convicted by the trial court for the offences punishable under S. 376(2) and 366 of the Indian Penal Code, and is sentenced accordingly.

3. Heard both sides. The learned counsel for the Applicant submitted that the Applicant is regularly attending the police-station, as directed, and is complying with the condition so imposed, but the said condition is causing prejudice to him in discharge of his professional duties. He is employed as a driver and working at Pune, and therefore, he is facing difficulty in complying the said condition.

4. Learned APP argued that considering the nature of offence proved against the Applicant, the condition may not be relaxed. However, the learned APP informed this Court the Applicant is regularly attending the police-station, as directed.

5. We have considered the submissions so advanced and perused the application. The Applicant is regularly attending the police-station after the order dated 21st October, 2015. He has been complying with that condition for years together, and now, he is reported to be in employment at Pune as a driver. The learned counsel for the Applicant submits that Applicant is permanent resident of taluka Mangaon, district Raigad and it will be convenient for him to attend the police-station at Mangaon instead D.B. Marg Police Station. Considering these facts, we are of the considered opinion that the condition of attendance needs to be relaxed, and therefore, the application is allowed.

6. The condition of attending D. B. Marg Police Station on

1st Monday of every month during pendency of the appeal by the Applicant is relaxed, and he is directed to attend Mangaon Police Station, district Raigad on any date in the 1st week of January, so also on any date in 1st week of July, each year till disposal of the appeal.

. The criminal application is accordingly disposed of in the aforesaid terms.

Sd/-
[A. M. BADAR, J.]

Vinayak Halemath

Sd/-
[INDRAJIT MAHANTY, J.]