

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO.9 OF 2019****IN****CRIMINAL APPEAL NO.381 OF 2018**

Brig. Asil Singh (Retired)] Applicant

Vs.

State of Maharashtra and another.] Respondents

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Brig. Asil Singh (Retired), Applicant in person.

Mr. A.A. Palkar, Additional Public Prosecutor, for Respondent-State.

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CORAM: PRITHVIRAJ K. CHAVAN, J.**DATE: 22nd JANUARY, 2020.****P.C.**

On 29th August, 2019, this Court (Coram: A.M. Badar, J.) has passed the following order;

- “1. Applicant is absent.
2. The application is for early hearing of Appeal challenging acquittal of Respondent.
3. Stand over after six weeks.
4. **Later on**, Advocate Mr. P. Nadkarni for Respondent No.2 present. Applicant Bring (Retd) Mr. Asil Singh, who is appearing in person came. He requested for early hearing of Appeal challenging acquittal of Respondent of offence punishable u/s 500 of the I.P.C. According to applicant, he is senior citizen.

5. This Court is taking up Appeals in which convicts are undergoing jail sentence. Then there is precedence to the Appeals challenging conviction. Judgment of the Hon'ble Apex Court in the matter of **Husain Vs. Union of India, 2017 (5) SCC 702** is relevant on this aspect. Be that as it may, the Registry is directed to prepare list of Appeals challenging acquittal in which either Appellants or Respondent as well as First Informants have attained status of senior citizen and those appeals be notified for final hearing by separate list, in order to fix them for final hearing according to their turn.
 6. With this, application is adjourned for six weeks.
2. Thereafter, on 9th October, 2019, this Court (Coram: A.M. Badar, J.) passed following order;
- “1. None for the applicant in this application for early hearing of the appeal in which acquittal of the applicant/accused for the offence punishable under Section 500 of the Indian Penal Code is sought to be challenged.
 2. This Court is taking up the appeals in which appellants are undergoing jail sentence. Several appeals challenging acquittal of the accused pending from the year 2008 as per the assignment of the Court are yet to be taken up for final hearing.
 3. In this view of the matter, appeal challenging acquittal in the year 2018 cannot be listed for final hearing. Hence, the application is adjourned by twelve weeks.
 4. Stand over to 22nd January, 2020.

3. In view of the orders passed earlier and looking to the age of the applicant, list the matter in the category of High Court expedited matters.
4. Let respondent No.2 be informed about this order.
5. The application stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]