

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2752 OF 2021

Mr.Domnic Oliver Bower. ... Petitioner.
V/s.
The State of Maharashtra. ... Respondent.

Ms.Deepti Chand for the Petitioner.
Mrs.S.D.Shinde, APP for the Respondent- State.

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CORAM : NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.
DATE : 8 October 2021.

P.C. :

The Petitioner has filed this petition with the following
reliefs:

“a) This Hon’ble Court be pleased to quash charges framed under Sections 370, 465, 468, 471, 419, 420 & 201 of Indian Penal Code, 1860 in Sessions Case No.201 of 2017 order dtd. 14.6.2020;

b) This Hon’ble Court be pleased to grant permission to the Petitioner to return to United Kingdom thereby dispensing his physical appearance during the course of trial, and recording of evidence may please be allowed by video conference, subject to such conditions as this Hon’ble Court deems fit;

c) This Hon'ble Court be pleased to direct Sessions Court to return the passport of Petitioner bearing Passport No.534614326;

d) Alternative to prayer clause (c), this Hon'ble Court be pleased to allow UK Embassy to issue travel documents to Petitioner to enable him to Petitioner to travel to UK"

The learned counsel for the Petitioner states that the Petitioner is a British national who is on bail, but is unable to travel United Kingdom in view of the pendency of the trial where two accused are absconding. Learned counsel for the Petitioner submits that the Petitioner has good case on merits and, therefore, prayer clause (a) be granted. The learned APP points out that charges are framed and trial has already commenced and the evidence of one witness is substantially recorded.

2. Considering the nature of jurisdiction that is invoked by the Petitioner, at this stage, we are not inclined to accede to the prayer made by the Petitioner. As regards trial, separation, expediting etc., it is always open to the Petitioner, like any other under-trial prisoner, to make a request to the learned Sessions Judge and it is for the learned Sessions Judge to consider the same on its own merits.

3. With this observation, writ petition is disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)