

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

CRIMINAL APPLICATION (APPA) NO. 368/2021

IN

CRIMINAL APPEAL NO.818/2018

Altaf Hussain S/o. Khwaja Gulam Abbas

Vs.

The State of Maharashtra

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

Court's or Judge's orders

Shri R.R. Prajapati, Advocate for Applicant/Appellant.
Shri S.S. Doifode, A.P.P. for Non-applicant/Respondents-State.

CORAM : V. M .DESHPANDE AND
AMIT B. BORKAR, JJ.

DATE : 07/07/2021.

1. The appellant Altaf Hussain S/o. Khwaja Gulam Abbas is convicted by the learned Additional Sessions Judge – 10, Nagpur in Sessions Trial No. 198/2011 for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and is sentenced to suffer life imprisonment.

2. The appellant-convict wrote a letter to this Court from jail. The letter is dated 19.06.2021. The letter was received after it was verified by the Jailor, Nagpur Central Jail.

3. Since the letter was addressed to the members of this Bench, Registrar (Judicial) was directed to verify whether any appeal is filed or not. Accordingly, Registrar (Judicial) informed that the convict has filed appeal and his Advocate has already collected paper book also.

Therefore, on 02.07.2021 it was instructed to the Registry to place this letter treating it as an application for bail before the Court. Accordingly, today that letter been registered as Criminal Application No.368/2021 and is placed before this Court.

4. For and on behalf of the appellant Shri R. R. Prajapati is appeared and the State is represented by Shri S. S. Doifode, the learned Additional Public Prosecutor.

5. It was submitted by Shri Prajapati that the appellant was accused No.8 in Sessions Trial No. 198/2011 and stood convicted by the learned Judge of the Sessions Court along with other co-accused. It is also pointed out by Shri Prajapati that the co-accused have filed different appeals i.e. Criminal Appeal Nos.690/2019, 697/2019, 768/2019 and they are represented by different Advocates.

6. The learned Advocate Shri Prajapati fairly submitted before the Court that earlier the present applicant filed a Criminal Application No.1278/2018 for suspension of substantive jail sentence and for grant of bail and on 25.02.2019 this Court (Coram - S. B. Shukre and S. M. Modak, JJ.) was pleased to dismiss the said application. It is also informed by Shri Prajapati that against this order on 25.02.2019, the applicant has preferred Special Leave Petition challenging the said order and as per his information, the same proceedings are pending before the Hon'ble Apex Court.

7. Be that as it may, Shri Prajapati would further submits that after the present application was listed on board, he made a telephonic talk with the sister of the present applicant yesterday only and it is informed to him by the applicant's sister that very recently the applicant has been released by the Jail Authority on parole and as such he submitted that the applicant is not a jail inmate.

8. In view of the aforesaid, we are of the view that this application needs no consideration, consequently we dispose of this application.

9. Paper books of all appeals are ready. The Registry is therefore, directed to place all these appeals simultaneously before the Court for their final hearing as per their seniority.

JUDGE

JUDGE