

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 211 OF 2021
IN
CRIMINAL APPEAL NO. 79 OF 2013

Ajit Hariram Lakhani ... Applicant/Appellant
V/s.

The State of Maharashtra and Anr. ... Respondents

WITH
INTERIM APPLICATION NO. 2948 OF 2021
IN
CRIMINAL APPEAL NO. 79 OF 2013

Miss Rani M. Shahani ... Applicant/Appellant
V/s.

Ajit Hariram Lakhani and Anr. ... Respondents

Mr. Ajit H. Lakhani, applicant in person.
Ms. rani Shahani, respondent in person.
Mr. Amit Patil I.by Parinam Law Associates for the respondent no. 1.
Ms. M.M. Deshmukh-APP for the State.

CORAM : SMT. SADHANA S. JADHAV, J.
DATED : FEBRUARY 9, 2022.

P.C. :

1. This is an application filed by the appellant in Criminal Appeal No. 79 of 2013. The applicant had made an application under section 389 of Cr.P.C. seeking suspension of substantive sentence. The said application was heard and decided by Justice R.P Sondurbaldota

(Retired) on 31st January 2013 and the learned Judge had observed as follows:-

“Considering the allegation of repetition of offence against the applicant, Mr. Purvant states that the applicant will not enter the jurisdiction of Kopri Police Station, Thane for a period of one month from today (31.01.2013) to show his bona fides. If he is released on bail”.

2. The interim bail was granted in favour of the applicant. The applicant was then heard by this Court and this court had observed as follows:-

“The learned counsel for the Respondent No.2 had filed affidavit on 8th March 2013. Today, he has furnished certain documents to demonstrate that applicant had continued with his notorious activities even after he was granted bail by this Court”

3. The applicant is appearing in person and seeks expunging of remarks passed by Justice Sondurbaldota (retired) as well as this Court on 18th March 2013. In fact, it was the submission of the advocate for the respondent no.2 that the applicant had continued his notorious activities even after he was granted interim bail by this Court. It was only the submission and not finding of this Court. The applicant has filed an application seeking relaxation of condition. This Court had observed the demeanour of the applicant and had permitted the applicant to report to the Court of Sessions Judge once in three

months on the date directed by the Sessions Court and upon failure, clause 3 of the operative order would be maintained. The appeal is of the year 2013. The applicant submits that since the application was pending, the appeal could not be expedited. In fact, it would not be appropriate for this Court to expunge the remarks made by Sondurbaldota, J (retired) and the submission made by the other side. However, the condition deserves to be relaxed. The apology of the applicant is accepted. He has submitted that he was only trying to explain that the submission made by the respondent only to mislead the Court. However, it will not have any bearing on the merits of the matter.

4. The applicant shall report to the Sessions Court once in 6 months on the date assigned by the learned Sessions Court and upon failure to attend any two consecutive dates, the learned Sessions Court shall send a report to the High Court and prosecution would be at liberty to seek cancellation of bail.

4. Both the applications are disposed of.

(SMT. SADHANA S. JADHAV, J)