

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1641 OF 2022  
IN  
CRIMINAL APPEAL NO. 71 OF 2019

Mohammad Sajid Margub Ansari. ... Applicant.  
V/s.  
The State of Maharashtra. ... Respondent.

Mr.Khan Ishrat Ali Azhar Ali with Mr.M.A.Khan for the Applicant.  
Mr.A.M.Chimalkar, Special Public Prosecutor for the Respondent.  
Mr.Prashant Mohite, PI,ATS, Mumbai is present.

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KASHINATH  
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**CORAM :** NITIN JAMDAR AND  
N.R. BORKAR, JJ.

**DATE :** 8 June 2022.

**P.C. :**

Heard the learned counsel for the parties.

2. The Criminal Appeal No.71/2019 filed by the Appellant- original Accused No.7 in MCOC Special Case No.21/2006 is pending for hearing. During the pendency of the Appeal, the present application is taken out seeking permission of the Court to allow the Applicant to attend four papers of Semester-I

(Three Year Course) of LL.B. scheduled on 10 June 2022, 13 June 2022, 15 June 2022 and 17 June 2022.

3. The Applicant was granted permission to take admission in LL.B. course in Siddharth Law College or any other college in Mumbai affiliated to Mumbai University by the Special Judge vide order dated 19 August 2015. At that time, the Applicant was under trial. Thereafter the Applicant was convicted by the judgment and order dated 11 September and 30 September 2015 and sentenced for life imprisonment.

4. The Applicant has annexed to the application the copy of admission card issued by the University of Mumbai for the LL.B. (Semester-I), November-2015. He has annexed the certificate issued by the Siddharth Law College signed by Ms.Sandhya Dokhe, In-Charge Principal and a schedule of examination issued by the University of Mumbai. In the certificate issued by the College it is stated that the Applicant is a bonafide student and his examination starts on 10 June 2022 to be conducted by offline mode in the college premises on the aforesaid dates.

5. When the application came up for hearing in the morning session, the learned Special Public Prosecutor tendered the reply sworn by Shri Prashant Mohite, Inspector of Police, A.T.S. Mumbai wherein it was stated that the Applicant has not annexed any hall-ticket which is required for attending the examination and,

therefore, the case of the Applicant is doubtful. The matter was kept back in the afternoon session in order to take instructions as the learned counsel for the Applicant stated that the University has issued circular that during the pandemic the examination will be conducted in the college and, therefore, no hall ticket was issued.

6. The learned Special Public Prosecutor states that the concerned officer, the deponent of the affidavit visited Siddharth Law College after the matter was kept back and has satisfied himself that the Applicant is attending to the examination scheduled on the aforesaid dates. The Applicant has also placed on record list of the students appearing for the examination, issued by the In-Charge Principal of Siddharth College wherein the name of the Applicant appears at Seat No.EX1261.

7. The learned Special Public Prosecutor, in these circumstances, submit that for the Applicant to appear for the examinations as above, necessary safeguards should be provided such as Applicant should be placed in a separate room from where he can be monitored. Learned Special Public Prosecutor also states that enquiries were made in the College and that the College has informed that separate room will be provided from where the Applicant can give examination along with the security personnel. Also since the Applicant is currently in Nasik Central Prison, the authorities will also have to consider whether he should travel from

Nasik Central Prison to Mumbai and back for the examination or he should be temporarily placed in the concerned jail at Mumbai during the examination period.

8. Since no other impediment is shown or argued before us, the application deserves to be allowed and is accordingly allowed in terms of prayer clause (c) which reads as under:

*(C) That the present Applicant may kindly be permitted to attend all the four papers of I-Semester (three years course) LL.B., on 10/06/2022, 13/06/2022, 15/06/2022, 17/06/2022, to the satisfaction of this Hon'ble High Court.*

9. Needless to mention that the Respondent Authorities are entitled to take all precautionary measures in respect of the Applicant during the period of examination and the College Authorities and University Authorities should co-operate in that regard.

10. All concerned to act on an authenticated copy of this order.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)