

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 1580 OF 2023
IN
CRIMINAL APPEAL NO. 71 OF 2019

Mohammad Sajid Margub Ansari ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr. M.H. Mulla for the Applicant.

Mr. J.P. Yagnik, APP for the Respondent/State.

Mr. C.K. Jathar, Jailor, Nashik Central Prison present.

CORAM : SUNIL B. SHUKRE, AND
M.M.SATHAYE, JJ.

DATE : 24th APRIL 2023

P.C.

1. Heard.

2. On the previous occasion, this Court by the order passed on 08.06.2022 had allowed the present Applicant to attend all the board papers of Sem-I, LLB on 10.06.2022, 13.06.2022, 15.06.2022 and 17.06.2022 and that was on the submission on the learned Special Public Prosecutor that necessary safeguards should be provided for safe return of the Applicant to the jail, like Applicant be placed in separate examination room from where he could be monitored, that inquiry be made in the college about

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availability of separate room, that the college would confirm that separate room is available and would be provided where the Applicant would take the examination along with security personnel and that the Authorities of Nashik Central Prison should permit the Petitioner to travel from Nashik Central Prison to Mumbai and back.

3. The learned APP submits that on the last occasion, learned Special P.P. had appeared. But, today this application has been taken up for the first time and considering the urgency involved, there is no time for learned Special P.P. to appear and therefore, on his behalf, he has made the above submissions.

4. We appreciate the assistance rendered by the learned APP in the matter and we agree with him that all necessary precautions and safeguards and also appropriate permissions from concerned authorities must be taken before the Applicant is taken to Siddharth College of Law, Anand Bhavan, Dr. D.N. Road, Fort, Mumbai for his writing four papers of Sem-II (three years LLB Course).

5. Considering the fact that on the last occasion, conditional permission was granted to the Applicant and there has been no complaint of any breach of those conditions having been committed by the Applicant, we find appropriate to allow this

application on similar terms as earlier imposed. Accordingly, the permission is granted to the Applicant to appear at all four papers, Sem-II of third year LLB on 25.04.2023, 27.04.2023, 02.05.2023 & 04.05.2023 at Siddharth College of Law, Anand Bhavan, Dr. D.N. Road, Fort, Mumbai, on following conditions.

(i) The Authorities at Nashik Central Prison should agree for letting the Applicant undertake travel from Nashik Central Prison to the venue of the examination on the dates given at his cost.

(ii) If the Authorities of Nashik Central Prison agree for letting the Applicant undertake travel, they should further ensure the return of the Applicant to Nashik Central Prison or any other prison in Mumbai for temporary period of time immediately after examination is over at the cost of the Applicant.

(iii) The Authorities at Nashik Central Prison should arrange for deputing security personnel at the venue of the examination and near Applicant while he appears at the examination at the cost of Applicant. The Authorities of Siddharth Law College, should agree for providing of a separate hall and separate invigilator at the cost of the Applicant to enable the Applicant to undertake examination on the dates given by him and should also agree for allowing a cordon of security personnel around him at the time of examination at the cost of the Applicant. The authorities of Nashik Central Prison should

provide adequate safeguards for safety and security of Applicant during the entire period at his cost.

(iv) If any of the above authorities does not agree as aforesaid or Applicant does not pay cost, this order will be rendered inoperative in that event.

(v) Interim Application is disposed of.

(vi) Parties and Authorities in persons to act upon an authenticated copy of this order.

(M.M.SATHAYE, J.)

(SUNIL B. SHUKRE, J.)