



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 118 OF 2024
IN APPEAL/839/2014**

Shaikh Anwar Abdul Kadar

Age: 70 years, Occu.: Retired Police Officer,

R/o. Barshi Naka, Beed,

Tq. and Dist.Beed.

....Applicant

Versus

The State of Maharashtra

Through Anti Corruption Bureau,

Ahemadnagar.

.....Respondent

.....
Advocate for Applicant : Mr. Vinay A. Sarwade

APP for Respondent : Mr.D.J.Patil

.....
WITH

CRIMINAL APPEAL NO. 839 OF 2014

.....

CORAM : ABHAY S. WAGHWASE, J.

DATE : 08 APRIL, 2024

PER COURT :-

1. Instant application is for early hearing of appeal, which is filed by State on getting aggrieved by judgment and order of acquittal passed by the Special Judge in Special Case (ACB) No.4 of 2009 dated 30-11-2013.

2. Learned Counsel for applicant pointed out that applicant was

tried for offence under Sections 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act (PC Act) by virtue of Special Case (ACB) No.4 of 2009 and finally, by judgment and order dated 30-11-2013, applicant was acquitted from all charges. There was no merit but still State has preferred appeal against judgment and order of acquittal by filing above Appeal bearing No.839 of 2014. That appeal by State is of 2014 and will take a long time to be heard. That applicant, who was serving in Police Department, has already retired and currently he is 70 years of age and he is gripped with various ailments. Moreover, he also has a daughter, who is a special child, who needs continuous special care and treatment for which applicant is required to expend huge amount. Because of above pendency of appeal at the instance of state, he is not getting full pension. Hence, it is prayed that appeal of State be fixed for early final hearing.

3. Learned APP fairly conceded that State has preferred appeal and the same is of 2014. He does not dispute that daughter of applicant is a special child and is under due protection and care of present applicant. He also does not dispute the age of present applicant.

4. On going through the papers, it seems that present applicant was tried vide Special Case (ACB) No.4 of 2009 and the said trial culminated into acquittal in 2013. It seems that against said order, State has preferred Appeal bearing No.839 of 2014. Currently this Court is taking up final hearing of appeals year-wise and only on making out special case for out of turn hearing, old appeals are dealt and decided. Apparently here exceptional case has been made out on two grounds that applicant has a daughter, who is a special child, obviously, requiring extra expenses. Statement is made on oath that applicant is retired from Police Department and due to pendency of appeal at the behest of State, he is receiving half pension and moreover, as on today, he is of 70 years of age. Therefore, this Court is convinced that good grounds exist for taking up the appeal out of turn. Hence, the following order is passed :

ORDER

(i) Criminal Application No.118 of 2024 is allowed.

(ii) Criminal Appeal No.839 of 2014 be listed for final hearing on 26-04-2024 at 02:30 p.m.

(**ABHAY S. WAGHWASE**)
JUDGE