



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 523 OF 2020
IN
CRIMINAL APPEAL NO. 282 OF 2017

Siddharth S/O Somaji Punwatkar,
Age : 65 years, Occu: Nil,
R/o. Nandanvan Colony, Plot No. 263,
Aurangabad.

... Applicant/Appellant
[Orig. Accused]

Versus

1. The State of Maharashtra
2. The Union of India
Through A.C.B., C.B.I.,
Pune.

... Non-applicant/Rspdt.
[Orig. Complainant]

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Senior Advocate Mr. Rajendrraa S. Deshmukh i/by Advocate Mr.
Devang R. Deshmukh, Advocate for the Applicant.
Mr. K. K. Naik, APP for Respondent No.1-State.
Mr. Ajay G. Talhar, Advocate for Respondent No.2-UOI.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 02.07.2024

Pronounced on : 04.07.2024

ORDER :

1. This is an application for relaxation of condition imposed by this Court by its order dated 15.09.2017 while deciding Criminal Application No. 4536 of 2017.

2. Learned senior counsel submitted that present applicant has taken exception to the judgment and order of conviction for offence under Section 13(1)(e) r/w 13(2) of the Prevention of Corruption Act, 1988 [PC Act] passed by learned Special Judge, Beed dated 29.05.2017, by filing appeal and the same is numbered as Criminal Appeal No. 282 of 2017. Appeal is admitted and pending hearing. That, this Court is taking up matters year-wise and therefore his appeal is not taken up for hearing. Learned senior counsel pointed out that there is circular of this Court [annexure "E"] wherein there are directions to hear and dispose of cases, wherein either of the parties have attained age of 60 years. Learned senior counsel submits that, present applicant is almost 65 years of age. That, by virtue of order of this Court dated 15.09.2017, he is required to travel to Pune to give attendance i.e. in the office of CBI, ACB, Pune and that, he is finding it hard to travel to Pune at this age. Therefore, for all above reasons, he prays for relaxation of condition of attending office of CBI, ACB, Pune.

3. Advocate Mr. A. G. Talhar, learned counsel for CBI strongly objected by submitting that there is every possibility of misuse of liberty.

4. After considering the submissions of both sides, it is noticed that present applicant was tried by Special Judge, Beed and he has been held guilty for commission of offence under Section 13(1)(e) r/w 13(2) of the PC Act by judgment and order dated 29.05.2017, against which, appeal seems to have been preferred and the same is numbered as Criminal Appeal No. 282 of 2017 which is pending hearing. This Court is dealing appeals year-wise. Only when special case for early hearing or out of turn hearing is made out, matters are taken up out of turn. No efforts or case for out of turn hearing is made out and so appeal is pending.

5. Papers show that this Court, while deciding Criminal Application No. 4536 of 2017 on 15.09.2017, directed applicant to attend the office of CBI, ACB, Pune once in three months. Such order is of 2017. There is no adverse remark from CBI office about non-attendance. Since appeal is pending hearing, and considering the age of the applicant, above condition is required to be modified. Hence, the following order is passed :

ORDER

I. The applicant to attend the office of CBI, ACB, Pune, if called upon by said office by giving one month prior notice.

II. Criminal Application is accordingly disposed of.

[ABHAY S. WAGHWASE, J.]

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