



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 674 OF 2023

Navnath Arjun Yadav

..APPELLANT

VERSUS

State of Maharashtra

..RESPONDENT

....
Mr. R.A. Jaiswal, Advocate for appellant (appointed through Legal Aid)
Ms. S.N. Deshmukh, A.P.P. for respondent - State
....

CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ
DATE : 02nd MAY, 2024

PER COURT :

1. This is an appeal against conviction imposed by Additional Sessions Judge, Ambajogai in Sessions Case No. 31 of 2008 by convicting the appellant for the offence punishable under Section 302 of the Indian Penal Code and sentencing him to suffer imprisonment for life and to pay fine of Rs.5,000/-, in default to suffer rigorous imprisonment for one year. Operative part of the said judgment and order shows that the appellant is behind bars since 18th January, 2008.

2. It is submitted by learned counsel for the appellant that the appellant is behind the bars for more than twenty years, eight months and twenty eight days, as calculated by the concerned jail authority. Said period

is not disputed by the State. He further submits that the appellant is suffering mental ailment. By order dated 30th April, 2024, this Court called report from the concerned jail authority. Learned A.P.P. tenders across the bar report dated 02nd May, 2024 under the signature of Superintendent of Central Prison, Chatrapati Sambhajanagar. Same is taken on record and marked 'X' for identification. Perusal of the said report shows that the appellant is suffering from mental ailment i.e. seizure disorder and is undergoing medical treatment.

3. It is submitted by learned counsel for the appellant that since the appellant has suffered sentence more than he was expected to suffer, the appeal may be disposed of. He submits that since there is no one to take care of the appellant, he may be admitted to Mental Health Establishment.

4. Since the appellant has suffered sentence more than expected, he needs to be released forthwith from the jail. However, as per the report of the jail authority, the only person from the family of the appellant is his father, who is seventy five years of age and he has shown his inability to take care of the appellant. Report further speaks that the appellant has no family since he has not married. Considering the said report and particularly the mental ailment from which the appellant is suffering, the appellant shall be admitted in the Mental Health Establishment by the concerned jail authority by following prescribed procedure. It is made clear that the appellant can be

handed over to the person, if any, in case comes forward to take care of the appellant, in view of the analogy of Section 335(3) of the Code of Criminal Procedure.

5. In view of above, criminal appeal stands disposed of, maintaining impugned conviction and consequential sentence.

(NEERAJ P. DHOTE, J.)
SSD

(R.G. AVACHAT, J.)