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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.377 OF 2024

Jagdishprasad Purshottam Todi .. Applicant

v/s.

The State of Maharashtra And Anr. .. Respondents

WITH

CRIMINAL APPLICATION NO.378 OF 2024

Jagdishprasad Purshottam Todi & Ors. .. Applicants

v/s.

The State of Maharashtra And Anr. .. Respondents

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Mr Shyam Dewani, a/w. Mr Manish Bohra, Mr Rishi Bhuta, Mr Suimit Khanna, Mr Ashish Dubey, Ms Risha Rathod and Ms Vaishnavi Javheri, for the Applicants in both Applications.

Mr Manoj Badgujar, for Respondent No.2 in both Applications.

Mr Kiran C Shinde, APP, for Respondent State.

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Coram : R.N. Laddha, J.

Date : 23 April 2024

P.C. :

. Heard learned Counsel for the parties.

2. The sole question, in these cases, pertain to whether the Sessions Court, while exercising its appellate jurisdiction, can decline to

hear or entertain matters only because the accused is absent from the Court. Under the provisions of the Code of Criminal Procedure, 1973, there is no explicit requirement mandating the presence of the accused in such proceedings. Considering this, and given that the learned Counsel for the respondent has no objection to allow the exemption application of the applicants before the Sessions Court, these applications can be disposed of accordingly.

3. Consequently, both these criminal applications are allowed. The impugned orders are quashed and set aside, and it is directed that the appellate/Sessions Court should proceed with Criminal Appeals No. 770 of 2019 and 771 of 2019, and decide it on their own merits without insisting on these applicants' physical presence in the respective appeals.

(R.N. LADDHA, J.)