



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1874 OF 2024
IN
CRIMINAL APPEAL NO. 71 OF 2019**

MOHAMMED SAJID MARGHOOB ANSARI ..APPLICANT
VS.
THE STATE OF MAHARASHTRA AND ANR. ..RESPONDENTS

Adv. Pritha Paul for the Applicant.

Adv. Rui Rodrigues for Respondent No.2.

Senior Advocate Shri Raja Thakare a/w Adv. A.N. Chimalkar,
Spl. P.P. for the State a/w Adv. Tusshar Nirbharne, Adv.
Aishwarya Sharma, Adv. Bharat Manghani , Adv. Drishti G.
a/w Ms. M.M. Deshmukh, APP for the State.

Suptd. Smt. Mugutrao, Nashik Central Prison.

Mr. Chandrakant K., DCP HQ, Nashik City (Escort).

Jailor Kamble Sudhakar , Nashik Central Prison, Nashik.

Mr. Prashant Mohite, PI ATS Mumbai.

**CORAM : M. S. KARNIK &
KAMAL KHATA, JJ.**

DATE : MAY 10, 2024

P.C.:

1. Not on board. Upon mentioning taken on board.
2. A praecipe was moved to bring our notice that despite a specific order passed by this Court the applicant was not taken to the examination centre and hence, he was not able

to appear for the examination held on 9th May 2024. Learned APP Ms. Deshmukh submitted that due to reasons beyond the control and despite genuine efforts made, the applicant could not be taken to the centre within the stipulated time.

3. Affidavit in reply to be filed by the Jail Superintendent placing on record the reasons for the delay in taking the applicant to the examination centre. Affidavit in reply to be filed and served **on or before 05th June 2024.**

4. So far the examination which is scheduled on 15th May 2024, adequate arrangements be made in advance to ensure that the applicant will be taken to the examination centre on 15th May 2024.

5. We requested Mr. Rodrigues to appear on behalf of Mumbai University. On a query made by us as to why the applicant cannot be permitted to appear for the examination through online mode, it is stated such facility is not available. In the peculiar facts as in the present case, the situation may warrant having regard to the security concerns, to permit the candidate to appear through the

online mode. We, therefore, request Mr. Rodrigues to take instructions from the Mumbai University their stand for permitting such candidates to appear through the online mode. We request the competent authority of Mumbai University to look into this aspect and after consulting with all concerned including the ATS, place its stand on record.

6. Mr. Rodrigues is also requested to take instructions whether the examinations which the applicant missed on 03rd May 2024 and 09th May 2024 owing to the circumstances beyond his control can be rescheduled.

7. Stand over to **10th June 2024**.

8. Parties to act on the authenticated copy of this order.

9. Parties are at liberty to move the vacation Court in case of any difficulty.

(KAMAL KHATA, J.)

(M. S. KARNIK, J.)