

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2510 OF 2024
IN
WRIT PETITION NO.1568 OF 2023

Shaikh Abdul Naeem s/o Abdul .. Applicant
Karim

Versus

State of Maharashtra .. Respondent

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Mr.Karan Gajra with Mr.Vijay Singh, Ms.Sanchita Sontakke
and Mr.M.A.Khan for the Applicant.

Mr.D.J.Haldankar, A.P.P. for the State/Respondent.

PI Mr.Prashant J. Mohite attached to ATS, Mumbai, present.

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CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 29th AUGUST, 2024

P.C:-

1. Applicant-Shaikh Abdul Naeem, who is an under-trial inmate, presently housed in Tihar Jail in connection with C.R.No.6 of 2006, which has invoked Section 120-B/120 of the Indian Penal Code at the instance of ATS, Mumbai, has made the following request to this Court:-

“(i) To take necessary/appropriate steps to correct course regarding non-compliance of directions issued by this Hon’ble Court in WP (CrI) No.1568/2023 on 01.08.2023 and unequivocal directions be issued to the Tihar Jail and/or any other concerned

stakeholder to present the accused physically and/or via video conferencing while disposing off with this Application. Pass such other or further order/orders as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience."

He has stated that he is in custody since last thirteen years.

2. The grievance of Shaikh Abdul Naeem is that he is also an accused in Special Case No.20 of 2007, where he face charge under MCOCA and on 16/09/2023, the Special Judge, City Civil and Sessions Court, Gr. Mumbai, directed that the prosecution shall ensure that atleast one witness is examined on each date and this order was passed on his application.

This order was passed pursuant to an order passed by the Division Bench (Cri.Writ Petition No.1568 of 2023), when the Division Bench considered the prayer made by him for expeditious conclusion of the trial.

3. As we see that there is lot of confusion about the stage at which his trial stands, which is separated, and we are informed that 52 witnesses are examined in the original trial, but despite direction issued by this Court on 01/08/2023 and by the Special Judge, Gr. Mumbai, on 16/09/2023 to the prosecution directing that atleast one witness is examined on each date, it appears that there is no progress.

4. The Petitioner, who is presently housed in Tihar Jail, is constantly addressing communications to the Registrar General, Bombay High Court, making his grievance that he

should either be presented physically and/or video conferencing at every stage of the trial.

5. Since there is no certainty about progress of Special Case No.20 of 2007, we direct the learned A.P.P. to produce before us the report from the trial Court of Special Case No.20 of 2007, which shall include the order-sheets for last one year, so that we can consider the request made on behalf of the Petitioner.

With such data to be produced before us, list on 19/09/2024.

(MANJUSHA DESHPANDE,J.)

(BHARATI DANGRE, J.)