

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

Shaikh Abdul Naeem s/o Abdul Karim .. Applicant/
Petitioner

Versus

The State of Maharashtra .. Respondent

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Mr.Karan R. Gajra with Ms.Sanchita Sontakke, Mr.Digvijay Kachare, Mr.Vijay Singh, Mr.M.A.Khan with Ms.Daksha Punghera for the Applicant/Petitioner.

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

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CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 17th OCTOBER, 2024

P.C:-

1. The Second Additional Principal Judge, City Civil & Sessions Court, Gr.Mumbai, has placed before us the report, which is accompanied with a report from the Inspector of Police, ATS, Mumbai dated 10/09/2024, setting out the particulars of events.

On its perusal it is evident that the present Petitioner, Shaikh Abdul Naeem s/o Abdul Karim, was arraigned as an accused in an MCOCA Case and charge-sheet was filed on 20/07/2007.

In 2014, while the trial was on-going, the Petitioner is alleged to have escaped from the custody of Barrackpore police

during journey and the necessary procedure of issuance of Non-Bailable Warrant and issuance of proclamation was followed and by order dated 11/09/2014, his trial is separated from the MCOCA case, which has resulted in pronouncement of final Judgment on 02/08/2016.

Pursuant to the arrest of the Petitioner on 27/11/2017, it is submitted that he filed discharge application on 20/10/2022 before the Special Court, Mumbai, which was rejected on 05/08/2023.

It is also informed that the Special Prosecutor has now sought alteration of charges.

2. We fail to understand as to how the evidence of 51 prosecution witnesses, who were examined in the year 2013, can be relied upon in the case of the present Petitioner, as his trial was separated and the second point to ponder upon is, from 2017, when the Petitioner was arrested till date, why not a single witness has been examined.

We would like the Special Judge under MCOCA to throw light on this aspect and he shall also place before us the calendar of the trial, so that the Petitioner has certainty about the conclusion of his trial and the course of action, which is going to be followed, while trying him under MCOCA case.

3. Let such report be produced on or before 18/11/2024.

Re-notify to 20/11/2024.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)