



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

954 CRIMINAL APPLICATION NO.781 OF 2025
IN APEAL/352/2015

1. Sau. Shakuntala Uttam Sule
2. Uttam s/o. Sarjerao Sule Applicants

Versus

Sumanbai Rohidas Khedkar Respondent

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Shri. A. R. Hange h/f. Shri. Rajendra G. Hange,
Advocate for the Applicants
Shri. Rajdeep D. Raut, AGP for the State

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CORAM : NEERAJ P. DHOTE, J.

Dated : APRIL 2, 2025

PER COURT :-

1. This is the Application for relaxation of the condition as directed by this Court *vide* order dated 26.04.2016 in Criminal Appeal No.352 of 2015. The said Criminal Appeal has been preferred against the Judgment and Order of acquittal passed by the learned Sessions Court. This Court by the said order directed action under Section 390 of Code of Criminal Procedure, 1973 against the Applicants and directed the Trial Court to impose the condition of marking their presence in the Trial Court every three (3) months, till the disposal of the Criminal Appeal and the Trial Court was directed to send yearly report in January, for marking presence by Accused, in this Court till disposal of the Appeal.

2. When this Application moved by the Respondent in the Appeal who are the acquitted Accused, was listed for the first time on 24.03.2025, none appeared for the Appellant i.e. Respondent in the Application. It was made clear that, if none appears for the Respondent/Appellant on the next date, the Application will be heard and appropriate orders would be passed. Today also, none appears for the Respondent / Appellant.

3. Heard the learned Advocate for the Applicants. He submits that the age of Applicant No.1 is above 60 years and Applicant No.2 is above 68 years and they are suffering from age old diseases. He submits that, Applicant No.1 is diagnosed with Cancer. He submits that the condition was imposed way back in the year 2016 and there is no default on the part of the Applicants in complying the said condition. He submits that the said condition be relaxed.

4. The learned APP opposes the Application.

5. On considering the Application and above referred aspects, and more particularly that the condition was imposed way back in April-2016, and there is nothing to show that the Applicants breached the said condition, I see no impediment to grant the Application. Hence, the following order.

ORDER

- (i) The Application is allowed in terms of prayer clause 'B'.
- (ii) The condition imposed by this Court *vide* Order dated 26.04.2016 is relaxed.
- (iii) The Application stands disposed off.

(NEERAJ P. DHOTE, J.)

GGP