

CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 3958 OF 2024
IN
CRIMINAL APPEAL NO. 279 OF 2020

V/s.

Ms. Aakshta Desai I.by Nitin Sejpal, for the applicant.

Ms. M.M. Deshmukh, APP, for the State.

DATE : 18TH FEBRUARY 2025.

1. This is an application with a prayer to send back the original record and proceedings of M.C.O.C Special Case No. 2 of 2014 to the Court of learned Special Judge under M.C.O.C. Act, 1999 for Greater Mumbai at Mumbai, Court Room No. 55.

vdg

2022, Criminal Appeal No. 476 of 2022 and Criminal Appeal No. 1305 of 2022. Since those appeals are admitted, the record and proceedings related to that trial i.e. M.C.O.C. Special Case No. 2 of 2014 are received in this Court. The applicant was subsequently arrested and he is now facing trial vide M.C.O.C Special Case No. 136 of 2023 in the said Court. However, the trial has not proceeded because the record and proceedings are not available in the trial Court as they are already received in this Court.

3. Considering this genuine difficulty, it is necessary to pass the directions so that the record and proceedings goes back before the trial Court.

4. Hence, the following order:

ORDER

i) The record and proceedings in MCOC Case No. 2 of 2014 on the file by the learned Special Judge in MCOC Act, 1999 received in Criminal Appeal No. 297 of 2020 be sent back to the Court of learned Special Judge under M.C.O.C Act, 1999 for Greater Mumbai at Mumbai in Court Room No. 55, where the applicant is facing the trial. This shall be done urgently.

5. Needless to say that in case the record and proceedings are required in the above-mentioned appeals, it can be called back again.

6. The interim application is disposed of.

(S.M. MODAK, J)

(SARANG V KOTWAL, J)