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Uday S. Jagtap

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

**INTERIM APPLICATION NO. 4104 OF 2024
IN
CRIMINAL APPEAL NO. 36 OF 2021**

Prakash Popat Sonar .. Applicant

Vs.

The State of Maharashtra .. Respondent

....

Mr. Swapnil Vighne i/b Milind Deshmukh for the applicant

Mr. S.H. Yadav, APP for the respondent – State

....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 11th FEBRUARY, 2025.

P.C.

1. Heard.

2. The applicant who has been convicted for the offence under Sections 7, and 13(1)(b) r/w 13(2) of the Prevention of Corruption Act, has moved the second application praying for prematurely fixing the criminal appeal for final hearing on the ground of some ailment.

3. Admittedly, the previous Interim Application No.1744 of

2024 moved by the applicant came to be rejected on 12th August, 2024 by a co-ordinate bench of this Court for want of Medical Certificate.

4. Now the appellant has tendered a Certificate dated 12th August, 2024 i.e. the very day on which earlier application was rejected. Less said is better about the *modus operandi* of the appellant to obtain the certificate on the very day when the first application was rejected, more particularly, in light of the fact that the surgery namely open reduction internal fixation with platting for distal tibia was conducted on 4th June, 2015 i.e. nearly 10 years back. Even a cursory look at the Medical Certificate does not indicate whether the surgery was in fact performed by Dr. Shailesh Patil.

5. In order to ascertain the authenticity and genuineness of the Medical Certificate, let a copy of this order be sent to the Medical Council of India to enquire about the truthfulness of the contents of the Medical Certificate issued by Global Hospitals and Research Centre, 153, Magarpatta City Road, Hadapsar,

Pune 411 013.

6. Learned APP is also *ad idem* that the Medical Certificate does not reveal that the ailment of the appellant is such which requires peremptory fixing of the appeal for final hearing.

7. The application is devoid of merits and hence, rejected with a cost of Rs.10,000/- to be deposited with the Maharashtra State Legal Services Authority on or before 18th February, 2025.

8. List for compliance on **18th February, 2025.**

(PRITHVIRAJ K. CHAVAN, J.)