

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 708 OF 2025

Siddhant Timayya Thanekar

.. Applicant

Versus

The State Of Maharashtra

.. Respondent

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- Mr. Shantanu Kolhe, Advocate for Applicant.
- Mr. R.M. Pethe, APP for State.
- API – Rekha Patil, Waliv Police Station.
- PSI – Khose, Pairavi Officer.

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 20, 2025

P. C.:

1. Heard.

2. This is an Application made by Application who is a student of H.S.C. (12th Standard). He is studying in Om Sai College, near Mangal Murti Nagar, Tungar Fata, Sativali, Vasai (E). An Application was made on 18th February, 2025 with a request to the Court by filing a *praecipe* which was received by this Court in the evening of 18th February, 2025. Yesterday, being a holiday the Court could not take up the matter. Today when the matter has come up for hearing learned Advocate would inform the Court that the Applicant be permitted to attend the remaining four examinations of H.S.C. (12th Standard) which are scheduled on 22nd February, 2025, 28th February, 2025, 1st March, 2025 and an IT examination which are scheduled to

be held either on 12th March, 2025 or 15th March, 2025 or 17th March, 2025 (date of which is not confirmed by the College).

3. All that he states in his Application is that if the Applicant is given a chance to attend the examinations it would aid the Applicant in atleast giving the said four examinations. He would inform the Court that Board Examination has commenced from 11th February, 2025 onwards and by today 5 papers are already over.

4. There is one more impediment which I find *prima facie* namely that of the Hall Ticket of Applicant. Though it is stated in paragraph No.4 that Hall Ticket along with time table of H.S.C. Board Examination is annexed and is marked as 'Exhibit P-1', on perusing the same it is seen that it is not a Hall Ticket but it is a pre-list Hall Ticket of the Applicant.

5. Applicant got embroiled in an offence under Section 109(1), 118(1), 115(2), 189(2), 189(4), 191, 191(2), 191(3), 190 of Bhartiya Nyaya Sanhita, 2023 and under Sections 37(1) and 135 of Maharashtra Police Act, 1951 in a scuffle which took place in a public place on 15th January, 2025. His role is that of abetting in the offence which took place.

6. I am not considering the Application on merits of the case at all. Application is made to permit the Applicant to attend his H.S.C.

(12th Standard) Examinations to the extent possible. Though the Application is made late whatever can be done by the Court should be done by the Court regarding the examinations which the Applicant desires to give, if permissible. This is one way of giving a chance to the Applicant to remain attached to his books and studies.

7. Learned Advocate for Applicant would submit that he has received instructions from the mother of the Applicant who is also present in the Court. She has informed the Court that she approached the college to collect his Hall Ticket but the College has insisted that Applicant should personally come to collect the Hall Ticket.

7.1. Considering that the Applicant is indicted and incarcerated in prison it would not be possible for him to go personally and collect the Hall Ticket. The Hall Ticket will be required for attending the examination. In that view of the matter, I direct the Principal of Om Sai College, Vasai to hand over the Hall Ticket of the Applicant to his mother namely Sarnama Timayya Thanekar, who shall approach the college along with a server copy of this Order.

7.2. The Principal of Om Sai College, Vasai where the Applicant is a Commerce student having UDISE No.27361710247 and who has already filled the application form on 23rd January, 2025 shall hand over the Hall Ticket of the Applicant to his mother who

undertakes to the Court that she shall remain present with the Hall Ticket at the Center for H.S.C examination allotted to the Applicant namely Smt. Indira Gandhi Vidyalaya and Jr. College, Vasai (E) on 22nd February, 2025 at 10:30 am and handover the Hall Ticket to the concerned Police Personnel who shall escort the Applicant to the said Exam Center and the Applicant shall be permitted to attend the exam.

8. Applicant is presently lodged in Thane Central Prison. The Jail Superintendent, Central Prison Thane shall ensure that Applicant is taken to attend his examination on Saturday, 22nd February, 2025 by a Police escort and he reaches the examination Center i.e. Smt. Indira Gandhi Vidyalaya and Jr. College, Vasai (E) on 10:30 am positively. Examination will be held from 11:00 am to 02:00 pm. Thereafter, the Escort team shall bring back the Applicant and hand him over to the prison authorities.

8.1. It is clarified that since Applicant is a student undertaking the exam and on the request made by his mother that she will not be able to pay the advance escort charges, he shall not be asked to pay for any Escort charges and he shall be taken for the examination and brought back at the expenses of the State Government.

8.2. Liasoning Officer of the concerned Police Station is present in the Court today. She shall ensure that appropriate

instructions are given to the Police Station and the concerned Jail Superintendent, Central Prison Thane to comply with this order.

9. Learned APP is directed to ensure that the concerned Investigating Officer and Jail Superintendent, Thane Central Prison is apprised of this order and that they shall act on a server copy of this order.

10. All concerned shall act on production of a server copy of this order and no authority shall insist on a certified copy of this order.

11. List this matter on **24th February, 2025 (F.O.B.)** for compliance, so that further order can be passed with respect to allowing the Applicant to undertake the examinations scheduled to be held from 28th February, 2025 onwards.