

HARSHADA H. SAWANT
(P.A.)

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

WITH

INTERIM APPLICATION (STAMP) NO.4285 OF 2025

.....

- Mr. Shantanu S. Kolhe, Advocate for Applicant.
- Mr. Rushikesh M. Pethe, APP for Respondent.

.....

CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 24, 2025

P.C.:

1. Heard Mr. Kolhe, learned Advocate for Applicant and Mr. Pethe, learned APP for Respondent.

2. Interim Application (Stamp) No.4285 of 2025 is mentioned and taken on today's board.

3. Pursuant to order dated 20.02.2025, Mr. Kolhe, learned Advocate appearing for Applicant and Mr. Pethe, learned APP informs the Court that incidentally Applicant had not opted for Mathematics as his subject which was an optional subject but instead opted for Book Keeping and Accountancy in lieu thereof. He would submit that the written examination for Book Keeping and Accountancy is slated to be held on 28.02.2025 at 02:30 p.m.. That apart, Mr. Kolhe, learned Advocate for Applicant informs the Court that exam for Economics

subject is to be held on 01.03.2025 at 02:30 p.m. Copy of the hall ticket is placed before the Court.

4. It is *prima facie* seen from the hall-ticket that request made by Applicant through Advocate for permitting Applicant to appear for subject papers of Book Keeping and Accountancy on 28.02.2025 and Economics on 01.03.2025 be considered by the Court.

5. Considering the age of Applicant who is virtually a young offender studying in XIIth Standard having been embroiled in the present crime, I am inclined to accept the request made by Mr. Kolhe. Mr. Kolhe has also apologized to the Court for passing of the previous order wherein this Court did not have benefit of the hall-ticket and he would submit that it is only because of the non-availability of hall-ticket of the Applicant the details of subjects of Applicant could not be placed before the Court.

6. That apart, he would submit that Applicant has been allotted the centre at Vidyavaridhi Vidyalaya and Junior College, Nalasopara (East) and his seat No.M403975. In that view of the matter, he would also persuade the Court to consider passing an appropriate order with respect to Applicant to be taken to the said centre at Nalasopara (East) for the purpose of giving his 12th Standard exam in Book Keeping and Accountancy on 28.02.2025 and Economics on 01.03.2025 at 02:30 p.m. on both dates.

7. Mr. Pethe, learned APP has brought the aforesaid discrepancies to the notice of the Court. He would submit that in consonance with the previous order by the Court the entire machinery got in action. He would in his usual fairness inform the Court that after the hall-ticket was given by the college principal to the mother of Applicant, she immediately informed the prosecution agency about the aforesaid issue and therefore Applicant was not taken for the examination on Saturday as directed in the previous order.

8. In view of the above, whatever the Court can do within its realm to consider the case of a young offender, the same should be done in letter and spirit and I therefore direct the prosecution to take the Applicant to appear for the written examination of Book Keeping and Accountancy on 28.02.2025 and Economics on 01.03.2025 at 02:30 p.m. at the centre namely Vidyavaridhi Vidyalaya and Junior College, Nalasopara (East) as per the hall-ticket placed on record.

9. Jail Authorities where Applicant has been lodged shall ensure that he is taken to the concerned examination centre at 02:00 p.m. on 28.02.2025 and 01.03.2025 and after completion of examination he is again brought back to the prison on both days. I am informed that original hall-ticket is with mother. She is present in Court today. The mother of Applicant has informed the Court that she shall remain present on both dates alongwith the hall-ticket at 02:00

p.m. and she shall hand over original hall-ticket to Applicant at time of entering the examination hall at 02:00 p.m. and she shall collect the hall ticket from him after the said examination is over. She shall follow the same exercise on 01.03.2025 at the time of Economics paper also.

10. It is clarified that when Applicant is taken for the aforesaid examination, he shall be taken at the cost of the State Government and he shall not liable to pay for police escort for appearing for his 12th Standard examination.

11. In view of the above, Interim Application (Stamp) No.4285 of 2025 stands disposed. The present Interim Application No.708 of 2025 is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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