



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPEAL NO. 117 OF 2019

[Noor Mohammad Shaikh Habib **vs.** The State of Maharashtra through
the Officer-in-charge of P.S. Tamgaon, Tah Sangrampur, Dist. Buldhana]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. T. A. Mirza, Advocate (Appointed) for the appellant
Ms. R. V. Sharma, APP for the State/respondent

CORAM: ANIL L. PANSARE AND
M. M. NERLIKAR, JJ.

DATED : 11-08-2025.

Heard.

On 23-7-2025, following order was passed.

“Heard.

2] *Vide judgment and order dated 11/2/2025, the appellant came to be acquitted on the ground of unsoundness of mind. While doing so, following directions were issued :*

“25. *In view of the above, we direct that the appellant shall be kept in safe custody in Amravati Jail till the State Government takes action in the matter who may decide where the appellant is to be kept pending action under Sections 377 and 378 of the BNSS as the exigency of the case may require. While taking decision, the State Government shall have due regard to the examination of the appellant by Civil Surgeon/Head of Mental Hospital/Head of Psychiatry Department and report by the said Authority.*

26. *The order passed today be communicated to the State Government in terms of Section 374 for taking further action in terms of Sections 377 and 378 of the BNSS. A copy of this judgment shall also be sent to the Inspector General of Prisons who is*

empowered in terms of Section 375 to perform and discharge the functions under Sections 377 and 378 of BNSS for further necessary action in the matter. The said authorities be asked to submit report of action taken from time to time till it is necessary. The first report of action taken be placed before this Court within three months from the date of receipt of this judgment. The matter be accordingly listed on board thereafter.”

3] In response to the aforesaid directions, the Superintendent, Amravati Central Prison, issued a communication to the Principal Secretary, Home Department, Government of Maharashtra saying that report of Psychiatrist is annexed with the communication for further action. The copy of report is sent to this Court.

4] The State Government should accordingly take a decision as to whether on the basis of the report the appellant can be released or will have to be detained in custody or should be transferred to public mental health establishment.

5] The learned A.P.P. shall take instructions as to what action has been taken by the State Government, and shall file report.

6] List on 30/7/2025.”

In response, learned Additional Public Prosecutor submits that the decision has been taken and the appellant Noor Mohammad Shaikh Habib has been released in terms of Section 374(1)(b) of the Bharatiya Nagarik Suraksha Sanhita, 2023. Thus, in terms of the judgment and order dated 11-2-2025, necessary benefits have been extended to the appellant. The aforesaid judgment so also order dated 23-7-2025 stands complied accordingly.

The proceedings closed.

Fees of learned counsel appointed for appellant be quantified as per the rules.

(M. M. NERLIKAR, J.)

(ANIL L. PANSARE, J.)

wasnik