



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

Criminal Application (APPP) No. 2573 of 2025
in
Criminal Application (APPLN) No. 9 of 2024

Amit Sitapti Verma

Versus

The State of Maharashtra through Police Station Officer, Police Station
Ganeshpeth, Nagpur

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's order	Court's or Judge's Order
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Shri A.A.Gupta, Advocate for the applicant.

Shri Amit Chutke, APP for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATED : 15th DECEMBER, 2025.

The applicant has preferred appeal challenging the judgment and order dated 22.12.2023 passed by the learned Additional Chief Judicial Magistrate, Nagpur in Regular Criminal Case No. 147 of 2022. During the pendency of the appeal, the applicant had filed Criminal Application No. 9 of 2024 seeking suspension of sentence, which was allowed by this Court subject to certain terms and conditions. One of the conditions imposed therein reads as under:

“(4) The applicant shall attend the appellate Court regularly and shall not seek any exemption, unless there are exceptional circumstances.”

2. The applicant has now filed the present application seeking relaxation of the aforesaid condition.

3. Learned counsel for the applicant submits that the applicant is a permanent resident of Ahmedabad, State of Gujarat, and finds it extremely difficult to travel from Ahmedabad to Nagpur on each date of hearing. It is further submitted that, till date, the applicant has scrupulously complied with all the conditions imposed by this Court and has been regularly marking his presence. Owing to the continued hardship in undertaking physical travel, the applicant seeks permission to appear before the appellate Court through Video Conferencing until the appeal is taken up for final hearing.

4. Learned Additional Public Prosecutor strongly opposed the application and submitted that the condition of regular attendance was imposed consciously by this Court while granting suspension of sentence. It is contended that relaxation of such a condition may dilute the sanctity of the earlier order. The learned APP further submits that the applicant being a resident of Ahmedabad, outside the territorial jurisdiction of this

Court, raises a legitimate apprehension regarding securing his presence, particularly at the time of final hearing. It is further argued that regular physical attendance ensures effective supervision over the conduct of the applicant and prevents any possibility of absconding or delay in the proceedings. Learned APP also submits that Video Conferencing should be permitted only in exceptional circumstances and not as a matter of routine convenience. On these grounds, the learned APP prays for rejection of the application.

5. Having considered the rival submissions and upon perusal of the record, this Court is of the considered view that the applicant's permanent residence at Ahmedabad and the practical difficulty involved in travelling to Nagpur on every date of hearing constitute sufficient grounds for relaxation of the condition. The Court also takes note of the fact that the applicant has complied with all conditions imposed earlier and there is no material on record to suggest misuse of liberty.

6. Accordingly, the applicant is permitted to appear before the appellate Court through Video Conferencing till the present appeal is taken up for final hearing. It is clarified that all other conditions imposed

in Criminal Application No. 9 of 2024 shall remain unaltered and shall continue to bind the applicant.

The criminal application is, therefore, allowed to the aforesaid extent and stands disposed of.

[NIVEDITA P. MEHTA, J.]