



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

CRIMINAL APPLICATION (APPP) NO. 341 OF 2026
IN
CRIMINAL APPLICATION (APPLN) NO. 13 OF 2024

Ketan s/o Kantilal Sheth Vs State of Maharashtra

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr Ritesh Tahaliyani, counsel for applicant.
Mr. Joshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J
DATE : 24/03/2026

1. Heard.
2. The applicant has preferred an appeal challenging the judgment and order dated 22/12/2023 passed by the learned Additional Chief Judicial Magistrate, Nagpur, in Regular Criminal Case No. 147/2022. During the pendency of the appeal, the applicant also filed Criminal Application 13 of 2024 seeking suspension of sentence, which was allowed by this Court subject to certain terms and conditions.
3. The applicant has now filed the present application seeking modification of the conditions on the ground that he is aged about 63 years and is suffering from various ailments. He is resident of Mumbai and is also dealing with the business therefore, it would be difficult for him to

remain present in the appeal on every date. It is further contended that he is a senior citizen and is suffering from several serious health issues. The applicant has already undergone angioplasty and is currently undergone continuous medical treatment and medication. He is also patient of diabetes and hypertension. Due to all these reasons, it is difficult for him to attend the proceedings on each and every date before the Appellate Court.

4. In view of the above, the applicant has prayed that he be permitted to appear through video conferencing.

5. Learned APP strongly opposed the said application on the ground that regular attendance was consciously imposed by the Court while granting suspension of sentence, and any relaxation of such condition would disturb the proceedings before the Appellate Court. In view of that, the application deserves to be rejected.

6. On hearing both sides and on perusal of the entire record, it reveals that only prayer of the present applicant is to permit him to appear through video conferencing. In my view, there would be no interference in the proceedings due to his physical absence. On the contrary, it would be convenient for the Court as well as for the parties, if appearance is permitted through video conferencing till the appeal is not taken up for final hearing. However, it is clarified that if the Appellate Court requires his presence, he

shall remain physically present as and when directed by the Appellate Court. In view of that, I proceed to pass following order.

ORDER

- a] The Criminal Application is **allowed**.
 - b] The applicant is permitted to appear in Criminal Appeal No. 398/2023 through video conferencing before the Appellate Court, subject to the condition that he shall remain physically present whenever directed by the Appellate Court.
7. The criminal application is disposed of.

(URMILA JOSHI-PHALKE, J.)