

Amberkar

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 253 OF 2002

Farid Saudagar & Anr. .. Applicants

Versus

The Inspector of Police, C.B.I., Bombay & Anr. .. Respondents

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- None present for Applicants
- Mr. Shreeram Shirsat (through VC) a/w Mr. Nikhil Daga for Respondent No. 1
- Ms. Dhanalakshmi Krishnaiyer, APP for State - Respondent No. 2

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 21, 2024

P. C.:

1. Heard Mr. Shirsat, learned Advocate for Respondent No. 1 and Ms. Krishnaiyer, learned APP for State.
2. On 07.10.2024 after hearing Mr. Shirsat and learned APP, this Court passed the following order:-

"1. Heard Mr. Shirsat, learned Advocate for Respondent No.1 and Ms. Phad, learned APP for Respondent No.2 – the State of Maharashtra.

2. This Criminal Revision Application expresses a sorry state of affairs. It is rather unfortunate for the facts but I expect the concerned Departments and Officers shall now act at least after reading this order.

3. The Revision Application is directed against order of conviction. Direction was given to place this Criminal Revision Application on final hearing board as far back as on 20.08.2019. It is seen that Revision Applicants are released on bail by this Court in the present proceedings by order dated 18.10.2002. Series of orders have been passed thereafter. Applicants have never remained present on any of the dates. Resultantly, on 20.08.2019, this Court directed Registry to appoint Advocate for Applicants from panel of Legal Aid Committee to espouse the cause of Applicants. Direction was given to do so within a period of three weeks from 20.08.2019. This direction is not complied by the Registry and Registry shall inform the Court the reason for non-compliance of this order.

4. *Thereafter when the matter appeared before this Court on 06.11.2019, Registry was directed to inform Mr. Rushit P. Thakkar about his appointment as Amicus Curiae. The Amicus Curiae is not present when the matter is called out today except Mr. Shirsat, learned Advocate appearing for Respondent No.1 and Ms. Phad, learned APP appearing for Respondent No.2 – State of Maharashtra. There is no representation on behalf of Applicants nor by the Amicus Curiae appointed by the Court. The matter has been listed thereafter since 2021 on the final hearing board regularly and it is observed that Applicants have always remained absent.*

5. *It is seen that on 18.03.2021, this Court issued Bailable warrants against Applicants in the sum of Rs.10,000/- each and made them returnable on 26.04.2021. Respondent No.1 – Central Bureau of Investigation was directed to execute the warrants and submit report to this Court after it was duly executed before the returnable date. This order of 18.03.2021 is also not complied with, albeit this time by Respondent No.1 i.e. the Central Bureau of Investigation. Orders by this Court are taken very lightly by Respondents as also the Registry of this Court.*

6. *Mr. Shirsat would submit that he would take appropriate instructions with respect to compliance of the directions contended in the order dated 18.03.2021 and would apprise the Court for further directions on the next adjourned date.*

7. *Stand over to **21st October, 2024.***"

3. It is seen that present Revision Application arises out of the order of conviction of Applicants. Applicants have been released on bail since 18.04.2002. Presence of Applicants is necessary for deciding the present Application. Charge against the Applicants was extremely serious in colluding with and hatching a criminal conspiracy with an object to run an illegal telephone booth with STD & ISD facilities causing huge pecuniary loss to MTNL. Applicants have been convicted under Sections 120-B, 420 and 406 of IPC along with Section 25(c) of Indian Telegraph Act, 1885 and under Section 3(2)(c) of Prevention of Damage to Public Property Act, 1984.

4. Mr. Shirsat, learned Advocate for Respondent No. 1 - CBI would inform the Court as directed by this Court in paragraph No. 5 of the previous order, it is true that this Court had issuedailable warrants against Applicants in the sum of Rs. 10,000/- each and made them returnable immediately thereafter in 2021, but due to inadvertence the said order could not be complied with and the warrants could not be prepared and filed in Court. He would submit that in view of the returnable date of the said warrants having been expired, this Court be pleased to pass a similar order so that warrants can be executed.

5. In view of the above, issueailable warrants against Applicants in the sum of Rs. 10,000/- each and make them returnable on 02.12.2024. It is expected that Respondent No. 1 shall ensure that this order is complied with. Registry is directed to provide all cooperation to Respondent No.1 for execution of theailable warrants.

6. Applicants are directed to remain present on the next adjourned date.

7. Stand over to **2nd December, 2024.**

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[MILIND N. JADHAV, J.]

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by RAVINDRA
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AMBERKAR
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