

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.69 OF 2013
WITH
CRIMINAL APPLICATION NO.602 OF 2018
WITH
CRIMINAL APPLICATION NO.1123 OF 2017
WITH
CRIMINAL APPLICATION NO.247 OF 2018
WITH
CRIMINAL APPLICATION NO.528 OF 2019

Firoz Muslim Jambura : Appellant/Applicant.
Versus
The State of Maharashtra and anr. : Respondents.

ALONG WITH
CRIMINAL APPEAL NO.1 OF 2013

Imran @ Murtuza Mohibiali
Mohammadali Khan : Appellant
versus
The State of Maharashtra : Respondent.

WITH
CRIMINAL APPLICATION NO.1463 OF 2013
IN
APPEAL NO.1 OF 2013

Bharat Pukhraj Jain : Applicant
versus
Mohammkad Iliyas Ahmed Shaikh @ Papa
and others : Respondents.

ALONG WITH
CRIMINAL APPEAL NO.28 OF 2014
WITH
CRIMINAL INTERIM APPLICATION NO.1891 OF 2021

Abdul Rahan Abdul Ajim Shaikh : Appellant/Applicant
Versus

The State of Maharashtra : Respondent

ALONG WITH
CRIMINAL APPEAL NO.70 OF 2013

Mohammad Ajim Abdul Salim Khan @ Bhau : Appellant.

Versus

The State of Maharashtra : Respondent.

ALONG WITH
CRIMINAL APPEAL NO.116 OF 2013

Shakil Sattar Memon : Appellant.

Versus

The State of Maharashtra : Respondent.

ALONG WITH
CRIMINAL APPEAL NO.1221 OF 2013
WITH
CRIMINAL APPLICATION NO.1236 OF 2018

Atul Gunakar Shetty @ Mahaprabhu : Appellant.

Versus

The State of Maharashtra : Respondents

ALONG WITH
CRIMINAL APPEAL NO.1222 OF 2013
WITH
CRIMINAL INTERIM APPLICATION NO.254 OF 2021
WITH
CRIMINAL INTERIM APPLICATION NO.260 OF 2021
WITH
CRIMINAL APPLICATION NO.492 OF 2018

Mohammad Ilyas Ahmed Shaikh @ Papa : Appellant.

Versus

The State of Maharashtra : Respondent.

CRIMINAL APPEAL NO.1005 OF 2014
WITH
CRIMINAL INTERIM APPLICATION NO.496 OF 2021

Mohammad Shafi Samiulla Shaikh : Appellant.
Versus
The State of Maharashtra : Respondent.

ALONG WITH
CRIMINAL APPEAL NO.1356 OF 2012
WITH
CRIMINAL APPLICATION NO.1186 OF 2015

Heyas Mohammad Shafi Mansur : Appellant.
Versus
The State of Maharashtra : Respondent.

WITH
CRIMINAL APPLICATION NO.1500 OF 2015
IN
CRIMINAL APPEAL NO.1356 OF 2012

The State of Maharashtra : Applicant.
Versus
Heyas Mohammad Shafi Mansoori : Respondent

Ms. Payoshi Roy i/by Dr. Yug Mohit Choudhary for the Appellants in Criminal Appeal Nos.69/2013, 28/2014, 70/2013, 1222/2013 and 1005/2014.

Mr. Gaurav Bhawnani i/by Mr. Abdul Wahab Khan for the Appellant in Criminal Appeal No.1356 of 2012.

Mr. Aashay B Topiwala I/by Ms. Anjali Patil for the Appellant in Criminal Appeal No.1/2013.

Ms. G P Mulekar, APP for the Respondent/State in Criminal No.1 of 2013.

Ms. A S Pai, PP a/w Ms. S V Sonawane, APP for the Respondent/State in all matters except Criminal Appeal No.1 of 2013.

CORAM : S. S. SHINDE,
V. G. BISHT, JJ

DATE : 05th October 2021

P.C.

1 Ms. Payoshi Roy, the learned counsel appearing for the Appellants
in Criminal Appeal Nos.69/2013, 28/2014, 70/2013, 1222/2013 and
1005/2014 informs this Court that in Criminal Appeal Nos.69/2013,
1221/2013, 1005/2014, 28/2014 and 1222/2013 the Appellants/Accused are
languishing in jail since their arrest.

2 It appears that in 7 Appeals the Appellants are represented,
however, in two Appeals i.e. Criminal Appeal Nos.1 of 2013 and 1221 of 2013
nobody represented the Appellants in the said Appeals yesterday i.e. on 04th
October 2021.

3 Today advocate Mr. Aashay Topiwal, on the instructions of
advocate Ms. Anjali Patil, submits that advocate Ms.Anjali Patil has given her
NOC to the Appellant in Criminal Appeal No.1 of 2013 for engagement of
another advocate.

4 It appears that though advocate Mr. M Y Patel has entered his
appearance for the Appellant in Criminal Appeal No.1221 of 2013, however,
today also he is not present.

5 Some of the Appellants are languishing in jail since their arrest

and in the peculiar facts of this case, we deem it appropriate to cancel the engagements of advocate Ms. Anjali Patil and Advocate Mr. M Y Patel to represent the Appellants in Criminal Appeal Nos.1/2013 and 1221/2013 respectively, and we hereby appoint Advocate Mr. Shantanu Phanse, to represent the Appellant in Criminal Appeal No.1 of 2013 and Advocate Mr. Karansingh Rajput to represent the Appellant in Criminal Appeal No.1221 of 2013.

6 The Registry is directed to supply the copies of the paper books containing notes of evidence to the appointed advocates Mr. Shantanu Phanse and Mr. Karansingh Rajput in the aforesaid two Criminal Appeals on or before 07th October 2021.

7 It is reported by Mrs. A S Pai, the learned Public Prosecutor that the papers in these Appeals are not traceable in the office of the Public Prosecutor. She, therefore, prays that the Registry may be directed to supply the papers books in these Appeals so as to enable the office of the Public Prosecutor to take out the photo copies of the said paper books and return the same to the Registry.

8 The Registry to allow the authorized employees from the office of the Public Prosecutor to collect the papers books in these Appeals so as to

enable the office of the Public Prosecutor to take out the photo copies of the said paper books and return the same immediately after completion of the process of taking out photo copies. Registry to hand over paper books preferably by 06th October 2021. S.O. to 13/10/2021.

[V. G. BISHT, J]

[S. S. SHINDE , J]