

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

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

Firoz Muslim Jambura ..Appellant
V/s.
The State of Maharashtra & Anr. ..Respondents

**WITH
CRIMINAL APPEAL NO. 01 OF 2013**

Imran @ Murtuza Mohibiali
Mohammadali Khan ..Appellant
V/s.
The State of Maharashtra ..Respondent

**WITH
CRIMINAL APPLICATION NO. 1463 OF 2013
IN
CRIMINAL APPEAL NO. 01 OF 2013**

Bharat Pukhraj Jain ..Applicant
V/s.
Mohammad Iliyas Ahmed Shaikh @
Papa and Ors. ..Respondents

**WITH
CRIMINAL APPEAL NO. 28 OF 2014**

Abdul Rahan Abdul Ajim Shaikh ..Appellant
V/s.
The State of Maharashtra ..Respondent

**WITH
CRIMINAL APPEAL NO. 70 OF 2013**

Mohammad Ajim Abdul Salim Khan ..Appellant
@ Bhau
V/s.
The State of Maharashtra ..Respondent

**WITH
CRIMINAL APPEAL NO. 116 OF 2013**

Shakil Sattar Memon ..Appellant
V/s.
The State of Maharashtra ..Respondent

**WITH
CRIMINAL APPEAL NO. 1221 OF 2013
WITH
CRIMINAL APPLICATION NO. 1236 OF 2018
IN
CRIMINAL APPEAL NO. 1221 OF 2013**

Atul Gunakar Shetty & Mahaprabhu ..Appellant
V/s.
The State of Maharashtra ..Respondent

**WITH
CRIMINAL APPEAL NO. 1222 OF 2013
WITH
INTERIM APPLICATION NO.254 OF 2021
WITH**

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

Mohammad Iliyas Ahmed Shaikh @ Papa ..Appellant
V/s.
The State of Maharashtra ..Respondent

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

Mohammad Shafi Samiulla Shaikh ..Appellant
V/s.
The State of Maharashtra ..Respondent

WITH
CRIMINAL APPEAL NO. 1356 OF 2012
WITH
CRIMINAL APPLICATION NO. 1186 OF 2015
WITH
CRIMINAL APPLICATION NO.1500 OF 2015
IN
CRIMINAL APPEAL NO. 1356 OF 2012

Heyas Mohammad Shafi Mansuri ..Appellant
V/s.
The State of Maharashtra ..Respondent

Ms. Payoshi Roy i/b. Dr. Yug Mohit Choudhary, for the
Appellant.

Mr. Shantanu Phanse, for the Applicant in APPA/1463/2013 & Appellant in Cri. Appeal No.01/2013.

Mr. Karan Singh Rajput, for the Appellant in Appeal No.1221/2013, APPA No.1236/2018.

Mr. Gaurav Bhawnani i/b. Khan Abdul Wahab, for the Appellant in Appeal No.1356/2012.

Mr. H. J. Dedhia, APP for the Respondent / State.

**CORAM : PRASANNA B. VARALE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 27 JUNE 2022

P.C.

. In this bunch of appeals, Appeal No.69/2013 is treated as a lead appeal. The perusal of the appeal memo show that Respondent No.2 Anita Jain is widow of Alpesh Jain and as per the judgment and order of the learned Additional Sessions Judge, Greater Bombay dated 29 November 2012 in Sessions Case No. 472/2010 vide clause (14), it is directed that fine amount if deposited, 50% of which be paid to the widow of the deceased Alpesh Jain towards compensation.

2. The perusal of record further show that spare copy of the appeal memo was not supplied to the office. As such, the notice could not be issued to the Respondent No.2.

3. Ms. Roy submits that this office objection was not brought to the notice of the counsel and the reference to this objection is

only on 7 June 2022. It is also submitted by Ms. Roy that in this bunch of appeals, in some of the appeals though applications were filed for grant of bail, the applications were rejected and the present Appellant Firoz Muslim Jambura is one of them. The learned counsel Ms. Roy further submits that as the appeals are pending in this Court since year 2013 firstly, and secondly as there is some personal difficulty for which learned counsel Ms. Roy would not be in a position to attend this Court since 11 July 2022, for a period of more than two weeks.

4. On perusal of the record, it also revealed that Criminal Application No.1463/2013 is filed on behalf of Bharat Pukhraj Jain, the original complainant (brother of deceased). In the said application, the prayers are two fold. Firstly, the return of gold ornaments is sought for and secondly, refund of cash amount of Rs.6,50,000/- is sought for. The learned counsel Shri. K. H. Holambe Patil representing the Applicant Bharat Pukhraj Jain is not present in this Court.

5. So as to give an opportunity to these two persons namely widow of deceased Anita Alpesh Jain and Bharat Pukhraj Jain, we defer the hearing of appeals till 5 July 2022.

6. Meantime, learned APP to serve an intimation notice to Anita Alpesh Jain (Respondent No.2) in Appeal No.69/2013 about hearing of the appeal scheduled on 5 July 2022. The

statement of Respondent No.2 may also be obtained as to whether Respondent No.2 would like to engage a counsel of her choice or whether legal assistance can be provided to her through Legal Aid Services Authority. The notice of intimation also be served on Applicant Bharat Pukhraj Jain about listing of the appeals alongwith his application on 5 July 2022.

7. Learned APP to place on record the report of the intimation notice alongwith statement of Respondent No.2 Anita Jain and Applicant Bharat Jain on the next scheduled date.

(SHRIKANT D. KULKARNI, J.)

(PRASANNA B. VARALE, J.)