

ITEM NO.46

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Criminal) No(s). 179/2017

JAILAL

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA THR. SECRETARY

Respondent(s)

(IA No.118175/2017-APPROPRIATE ORDERS/DIRECTIONS)

Date : 20-11-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. A.G. Godhamgaonkar, Adv.
Mr. A.K. Maruthi Rao, Adv.
Ms. K. Radha, Adv.
Mrs. Anjani Aiyagari, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The writ petition filed with the prayer as follows:-

A) allow the Writ Petition, fix an early date of hearing of the Criminal Appeal No.55 of 2009 pending before the Hon'ble High Court of Judicature of Bombay Bench at Aurangabad titled as State Vs. Prabhakar Karbhari Ghatmale and another for its disposal without any further adjournment, or

B) In the alternative direct the Criminal Appeal No.55 of 2009 pending before the Hon'ble High Court of Judicature of Bombay Bench at Aurangabad titled as State Vs. Prabhakar Karbhari Ghatmale and another to be held as dismissed against the petitioner/accused No.3 only for non prosecution, and

C) pass any other or further orders as may be deemed fit and proper in the circumstances of the case."

It appears that the petitioner was an employee of the State of Maharashtra. A criminal case came to be filed against the petitioner under Section 420 and 465 r/w Section 34 of IPC. He was found guilty of the said offences. On the recording of the conviction by the trial Court, the petitioner was dismissed from the service by the State of Maharashtra.

The petitioner carried the matter in appeal before the Principal Sessions Judge, Dhule in Criminal Appeal No.17/2001 which eventually allowed the appeal by its judgment dated 18.06.2008. Aggrieved by the same, the State of Maharashtra preferred an appeal being Appeal No.55/2009 before the High Court which is said to be pending.

The grievance of the petitioner is that in spite of the fact that his conviction was reversed by the Appellate Court, he is not receiving pension and any other benefit which he is entitled in view of his erstwhile employment with the State.

According to the petitioner, the State is not making any payment only on the ground that the State has preferred an appeal against the judgment in Criminal Appeal No.17/2001.

Hence the instant writ petition.

Taking into consideration the above background of the facts, we deem it appropriate to request the High Court to dispose of the Criminal Appeal No.55/2009 expeditiously, preferably within a period of six months from today.

The writ petition is disposed of in above terms.

Pending applications, if any, shall also stand disposed
of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(RAJINDER KAUR)
BRANCH OFFICER