

(2007) 01 GUJ CK 0024
In the Gujarat High Court

Case No : Criminal Miscellaneous Application No. 335 of 2007 in Criminal Appeal No. 601 of 2001

Kadarbhai Rasulbhai Moghul

APPELLANT

Vs

The State of Gujarat

RESPONDENT

Date of Decision : 24-01-2007

Acts Referred:

Citation : (2007) 01 GUJ CK 0024

Hon'ble Judges : Bankim N. Mehta, J;A.L. Dave, J

Bench : Division Bench

Advocate : Shakeel A Qureshi and G Ramakrishnan, No. 1, for the Appellant; KP Rawal, APP, for the Respondent

Judgement

Bankim N. Mehta, J.—This successive bail application is filed by the convict with a prayer to suspend the substantive sentence of imprisonment on the ground that he has failing health and has blurred vision. He has severe loss of memory and can faintly recognise his near and dear ones and hence on humanitarian ground he should be released on bail by suspending the sentence and in the alternative to expedite hearing of Criminal Appeal No. 601 of 2001.

2. On the earlier occasion, the learned advocate Mr. Ramakrishnan for the applicant requested this Court to keep the prisoner present in the court as the prisoner wanted to remain present in the court at the time of hearing of this application. Accordingly, the convict Kadarbhai Rasulbhai Mogul is present personally before this Court.

3. We have heard learned advocate Mr. Ramakrishnan for the convict. We have also heard the convict Kadarbhai Rasulbhai Mogul. He refused to make any addition to the arguments advanced by his advocate. It appears from the questions put by the Court to the convict that he is coherent in replying the questions put to him.

4. Earlier the applicant had moved Criminal Misc. Application No. 10187 of 2006

for releasing him on bail by suspending the sentence on the ground of aging symptoms and development of psychological problems including the loss of memory. The said application was rejected by this Court on 26-9-2006. Except failing health no other ground is pointed out, which can be construed as change in the circumstances.

5. The report received from the Superintendent, Vadodara Central Prison, Vadodara indicates that the prisoner has been advised no active cardiothoracic active treatment and is advised conservative treatment. The report also indicates that the convict is being given conservative follow up and treatment from the jail dispensary and S.S.G. Hospital, Vadodara. In view of this, there is no serious ailment and treatment is available in the jail for finger. In view of this, no change in the circumstances are pointed out to grant the prayer to release the convict on bail by suspending the sentence.

6. As regards the prayer for expediting hearing of the criminal appeal, it appears from the averments made in the application that an order expediting hearing of the criminal appeal has already been passed earlier. Therefore, there is no question of passing any order to expedite hearing of the criminal appeal now. Therefore, the prayer for expediting hearing of the appeal is rejected. However, the registry is directed to comply with the order passed earlier expediting hearing of the appeal.

7. In view of above, the application has to fail and accordingly stands rejected. Rule stands discharged.