

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 73 OF 2010
[Subhash s/o Pandurang Mahashwari (Sabu) vs The State of Mah.]

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri K.C.Sant, advocate for the applicant
Shri V.P.Kadam, A.P.P. for respondent

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CORAM : V.M.DESHPANDE, J.

DATED : 21st January, 2015

PER COURT :-

1] The present Revision petitioner is before this court, since Criminal Application No. 6483 of 2013 is moved by the Revision petitioner for modification of the order, dated 9.3.2010.

2] After hearing learned counsel Shri K.C.Sant for the applicant and the learned Additional Public Prosecutor Shri V.P.Kadam, it is clear that instead of wasting the judicial time on Criminal Application, Criminal Revision itself can be disposed of.

3] Hence, **Rule**. The rule is made returnable forthwith. Taken up for final hearing.

4] This Criminal Revision is filed since Criminal Appeal filed on behalf of the present applicant bearing Appeal No. 21 of 2005 was dismissed for want of prosecution by the learned II Additional Sessions Judge, Nanded on 27.11.2009. The said appeal was filed against the judgment and order of conviction passed by the learned Judicial Magistrate, Kinwat on 5.7.2005 for the offence punishable under Section 7(1)2(ia)(a) punishable under Section 16(1)(a)(ii) and u/s 7(v) r/w rule 44(h) punishable under Section 16(1)(a)(i) of the prevention of Food Adulteration Act.

5] It is clear that the learned appellate court ought not to have dismissed Criminal Appeal in default, since the question of liberty of the appellant was at stake. In that view of the matter, the order, dated 27.11.2009 is hereby quashed and set aside. Criminal Appeal No. 21 of 2005 is restored to the file. It is directed that either the Sessions Judge, Nanded himself or any Additional Sessions Judge, Nanded shall decide the said appeal as expeditiously as possible within a period of six months from the date of receipt of this order.

6] Till the application for bail is moved by the present applicant in the court of the Additional

Sessions Judge, Nanded, who shall decide the said bail application in accordance with law, till that time no coercive action shall be taken against the present applicant.

7] With the above directions, Criminal Revision is disposed of.

[V.M.DESHPANDE, J.]

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