

Anand

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

CRIMINAL APPLICATION NO.255 OF 2015

IN

CRIMINAL APPEAL NO.747 OF 2008

Kishor Balkrishna Mhatre & anr. .Applicants

V/s.

The State of Maharashtra .Respondent

Mr.K.B.Rajput i/b. Mr.Rahul Thakur, Advocate,
for the Applicants

Mr.A.S.Shitole, APP, for the Respondent/State

WITH

CRIMINAL APPEAL NO.435 OF 2008

The State of Maharashtra .Appellant

V/s.

Hemant Madhukar Prabhakar .Respondent

Mr.A.S.Shitole, APP, for the Appellant/State
None for the Respondent

WITH

CRIMINAL APPEAL NO.211 OF 2009

The State of Maharashtra .Appellant

V/s.

Pradeep Rajaram Tare & ors .Respondents

Mr.A.S.Shitole, APP, for the Appellant/State
Mr.Rahul Thakur, Advocate, for the Respondent
Nos.1 to 8

Mr.Rupesh Nalawade, Advocate, for the
Respondent Nos.9 & 10

WITH
CRIMINAL APPEAL NO.569 OF 2008

Pandhari Babu Mhatre & anr. .Appellants

V/s.

The State of Maharashtra .Respondent

Mr.Rupesh Nalawade, Advocate, for the
Appellant No.2

Mr.A.S.Shitole, APP, for the Respondent/State

**CORAM : SMT.V.K.TAHILRAMANI AND
SMT.I.K.JAIN, JJ.**

DATE : 9TH MARCH, 2015

P.C.

. This application has been preferred by
the applicants who are the original accused
Nos.1 & 2. They have preferred Criminal Appeal
No.747 of 2008, being aggrieved by the
Judgment and Order dated 06.06.2008 passed by
the learned Additional Sessions Judge, Kalyan
in Sessions Case No.49 of 2006 whereby both
the applicants have been convicted under
Sections 149 read with 302, 149 read with 326

and other sections of the Indian Penal Code.

2. The applicants have stated in this application that co-accused Pandhari Babu Mhatre and Ganesh Pandhari Mhatre who are original accused Nos.3 & 4 have preferred Criminal Appeal No.569 of 2008 against the very same Judgment and Order as the present applicants Pandhari Mhatre and Ganesh Mhatre are not willing to go on with the Appeal, hence, the Appeal of the appellants i.e. Criminal Appeal No.747 of 2008 be separated from Criminal Appeal No.569 of 2008 and this Appeal i.e. Cri.Appeal No.747 of 2008 be heard. Advocate Rupesh Nalawade is appearing for Pandhari Babu Mhatre & Ganesh Pandhari Mhatre in Criminal Appeal No.569 of 2008. He states that he is ready to go on with the matter as and when it reaches before this Court.

3. In this view of the matter, apprehension expressed by the applicants does not survive and no case is made out for separating Criminal Appeal No.747 of 2008 from Criminal Appeal No.569 of 2008.

4. In view of the above, application is disposed of as infructuous. Place Appeal No.747 of 2008 along with 569 of 2008 and connected Appeals on the final hearing board in the week commencing from 23.03.2015.

(SMT.I.K.JAIN, J.) (SMT.V.K.TAHILRAMANI, J.)