

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.502 OF 2015
IN
CRIMINAL APPEAL NO.915 OF 2007

Rajendra Dadasaheb Kutwal	 Applicant
V/s.	
The State of Maharashtra	 Respondent

Mr. D.G. Khamkar for the Applicant/Appellant No.2.

Mr. H.J. Dedhia, A.P.P. for the Respondent-State.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 6TH MAY, 2015.

P.C. :

1. This application has been filed in the pending Criminal Appeal No.915 of 2007 by Appellant No.2. Criminal Appeal No.915 of 2007 has been filed by the Appellant as well as by original Accused No.1 - Kiran Gorakh Shelke. It appears that original Accused No.1 - Kiran Gorakh Shelke is absconding and is not traceable. The present Applicant is in Jail since 2007. A request is, therefore, made by the Applicant in this Criminal Application to separate the Appeal filed by him from the Appeal filed by the absconding original Accused No.1 - Kiran Gorakh Shelke.

2. We, accordingly, allow this application and direct that the Appeal filed by the present Applicant be separated from the Appeal filed by the

original Accused No.1 - Kiran Gorakh Shelke. This Appeal, therefore, be listed for final hearing from 8th June, 2015 at its appropriate place on the Board.

3. Registry to ensure that the paper-book is preserved after the decision of the Appeal filed by the present Applicant and the Appeal filed by the absconding original Accused No.1 - Kiran Gorakh Shelke be listed before the Court after the absconding Accused is arrested.

4. Application is allowed as indicated above.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]